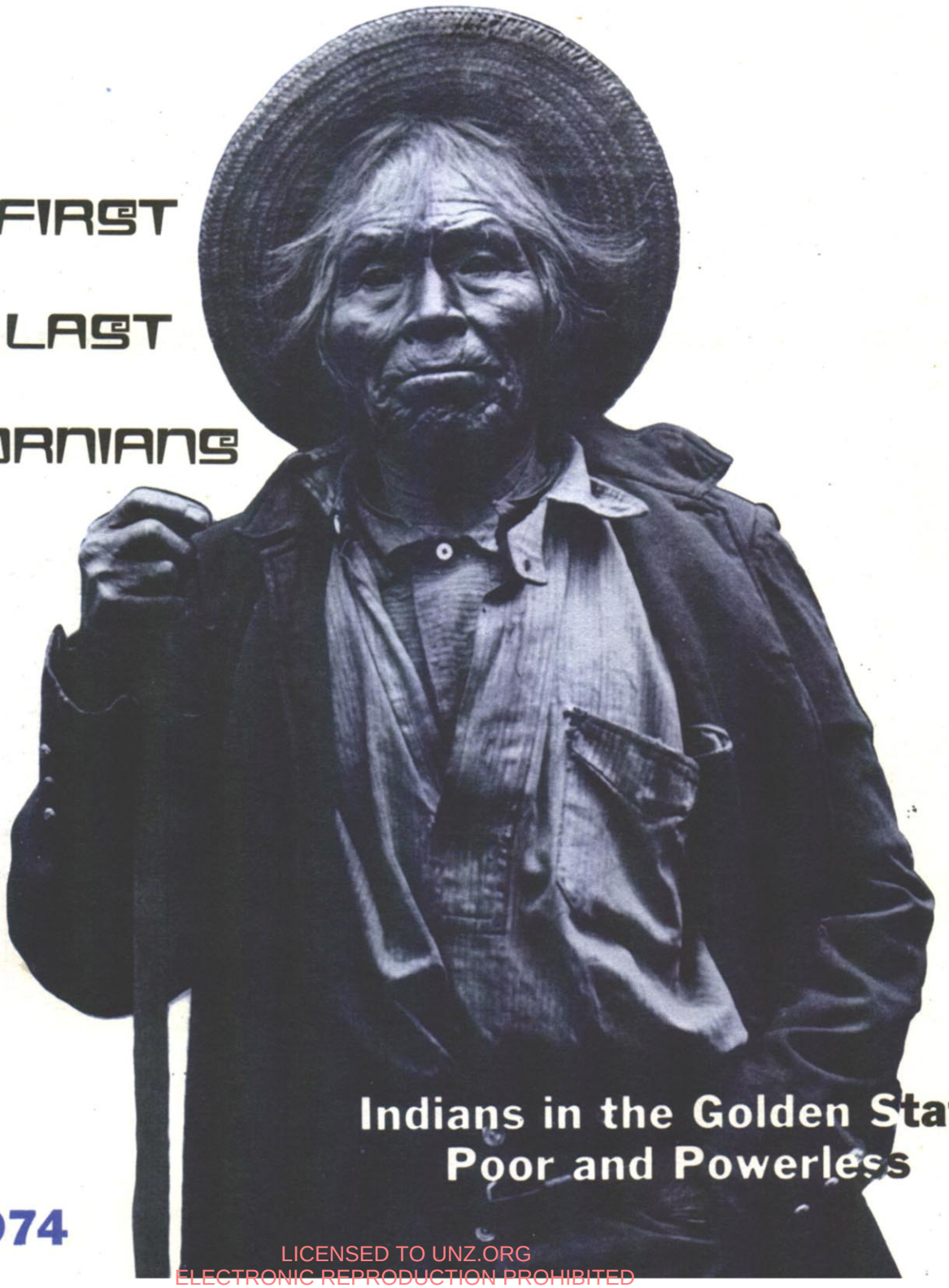
California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

THE FIRST AND LAST CALIFORNIANS



Indians in the Golden State: Poor and Powerless

June 1974

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A PERSONAL PERSPECTIVE...

By Ed Salzman

The budget bill as curtain-raiser

Probably the single most important act performed by the Legislature is passage of the annual state budget, which this year will total about $10 billion. It isn't just the large amount of money that makes the budget bill so important; appropriations decisions that can spell life or death for numerous state and local programs are contained within the massive document. Yet most of the 120 legislators who must cast votes on the budget each June rarely have much of an idea of what is in the bill, and this includes fiscal committee members who have worked long and hard shaping the specific elements within the appropriations package.

The reason for this is that months of committee and subcommittee work, extending from February through the end of May and occasionally into early June, are relatively meaningless. Tradition has required that at some time in June the entire budget question be put into the hands of a six-member "free" conference committee, theoretically to compromise differences between the Senate and Assembly versions of the budget. The word "free" is important because it means that these three senators and three assemblymen are at liberty to change the bill in anyway they see fit, eliminating items that have previously not been controversial and adding items that had never yet been discussed — and all this behind closed doors.

The state Constitution specifies that the budget is to be sent to the governor by each June 15th, to give the chief executive a reasonable amount of time to decide which items to cut and, to permit the state to prepare for implementation of the new fiscal program on July 1st. In practice, the budget has usually been passed close to June 30th (and occasionally during the first few days of July, raising cries of "fiscal crisis"). This is because the members of the conference committee don't want to give their colleagues a chance to study the committee report in detail. With plenty of time, the Legislature could study the report, reject it and put the issue into the hands of a new six-member panel for another attempt at reconciliation.

* * *

That's the way it has always been, but this year should be different. This month, for the first time, the conference committee on the budget will be required to meet in public. This does not mean that all the real decisions will be made in public view, because deals will still be made informally. But at least those lawmakers who care to watch the public proceedings and read newspaper accounts of the negotiations will have an opportunity to know in some detail what the budget contains before they must cast their votes. Never again should a budget conference committee be able to sneak items into the bill without general public knowledge. It may no longer do any good for the Legislature itself to wait until the conference committee meets to place its own appropriation augmentation in the budget with assurance that the increase will escape public attention because there are so many items more worthy of notice.

Much of the credit for opening the conference committee must go to the bipartisan Senate team of Democrat Arlen Gregorio and Republican Peter Behr. Early in 1973, Gregorio introduced a resolution that would have required all conference committees to be open to the public. The measure was heard repeatedly by the Senate Rules Committee, but without coming to a vote. In June, the annual budget deliberations began and Senator Randolph Collier, the chief Senate negotiator, angered his colleagues by refusing to bring a report to the floor until the end of the month. He had obtained $82 million for his beloved new legislative office building, and he didn't want to risk losing it. At this point, then-Senator Robert J. Lagomarsino indicated to Gregorio that he would provide the crucial third vote on the Rules Committee for the open-meeting resolution if it were limited to sessions of the budget conference committee. Yet when the issue came before the committee, the votes still weren't there.

Gregorio didn't quit. He drafted a new resolution limited to the budget conference committee. By chance, he ran into Behr outside the Senate chamber and showed the draft to him. Behr suggested that they take advantage of the anti-Collier feeling of the members and line up co-authors. "I'll get the Reeps," said Behr, "you get the Demos." Within two days they had 25 sponsors, more than half of them Republicans. This time, the Rules Committee bowed to the inevitable, four to one, with Democrat George Zenovich the lone dissenter. The pragmatic Collier even voted for it on the floor.

Behr and Gregorio then went to work on the Assembly and obtained enough co-authors to gain passage. Speaker Bob Moretti backed the proposal, and the only condition placed on adoption was that a similar measure by Assemblyman Ray Gonzales also be approved in the Senate. This was done. When the issue was thus finally forced upon the Legislature, the members had to admit that there was no valid reason for conducting such important state business in secrecy.

* * *

The obvious next question is how can secret conference committee meetings be justified on any bill? If differences on the budget can be negotiated in public, why not those on relatively minor bills? How about major revenue measures, which may affect the public even more than a budget bill? Those who support the status quo offer a rather lame reason for not requiring that these meetings be made public: Often, a conference committee is formed exclusively for the purpose of eliminating a technical defect in a bill detected late in the legislative process; in such cases, the committee does not actually meet but the author merely prepares the necessary amendments and collects the signatures of those appointed as conferees. If all meetings had to be public, this could not be done.

By comparison to the citizens' inherent right to watch what their representatives are doing for and to them, this is a miniscule objection. A legislature acclaimed as the nation's best ought to be able to devise another way of correcting its technical errors so that the people can participate in the most crucial stage of the legislative process.

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The Native American:

Blacks and Chicanos have won significant victories in the California political arena. Women's organizations are hard at work in an attempt to get a just piece of the action for the "frustrated majority". But what of the Californians who were here first – the Native Americans? What are they doing to raise their political consciousness? And what problems are they encountering with the immigrant establishment?

In the following article, a Rappahannock Indian scholar describes how Native Americans view their treatment by oppressive settlers who reduced them to subservience.

By Jack D. Forbes

In the midst of the affluence and glitter of the dominant white society of California, more than 125,000 Native Americans live often in extreme poverty and in a condition of relative powerlessness. This is probably the largest concentration of Indians in any state, Oklahoma possibly excepted. And yet, no person identified as an "Indian" has ever served in the state Legislature, on the Board of Regents of the University of California, in the state court system, on the Board of Trustees of the California State University and Colleges nor, for that matter, held any major elective or appointive office. A few persons of Mexican Indian descent served in some of the early legislatures, held a few judgeships, and have more recently once again held similar offices, but no person of Native origin has ever held such positions.

The Native People of California are a disenfranchised people. They were barred from public office by state law for about thirty years (from 1849 to 1879) and have been barred by lack of numbers, cultural differences and prejudice ever since. At the same time, Indians occupy a confused legal position for the most part, having a supposed special relationship with the federal government. But even in this area California Natives are disenfranchised, never having had any representation at any level in the federal government.

In short, Indians in California are a conquered, colonialized, and oppressed population which has no representation at almost any level of state or federal government. One or two Indians serving on local school boards and one or two serving on minor appointive bodies is about the extent of their official participation at this time. But this cannot even begin to describe the experiences of Native Californians. Anyone with knowledge of what actually happened must pause and ask: "Do I dare try to tell what really took place? If I tell the whole truth will anyone believe me?" The truth is indeed so horrible, so revealing of immoral acts as to raise deep questions about the nature of the dominant society in California and its system of government and "justice". The way one understands the nature of a government or of a society best, it seems to me, is by analyzing how it deals with the powerless, with those who cannot adequately offer any defense to greed and exploitation. In this regard, the treatment of Indians is devastating.

Whose land?

In many rural counties of California, the current conflict between Native Americans and the settlers' establishment reveals how much (or, more precisely, how little) validity constitutional guarantees have when those who are contesting possess vastly unequal power. For the past two years, for example, newspapers have covered the Pit River Indians' occupation of land claimed by the United States Forest Service, and their subsequent arrest by county, state or federal law-enforcement officials. All of these officers are sworn to uphold the United States Constitution, the Fifth Amendment of which forbids the seizure of private (or corporate) property by the federal government. In this case, the United States Forest Service's right to the land, based on a deed, bill of sale, treaty of cession, or other valid evidence of ownership, was never questioned by authorities. The burden of proof was, instead, placed upon the Indians.

The land claims of the United States Forest Service and the Bureau of Land Management (which together control more than 40 percent of California land) are respected by law enforcement authorities because these

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federal agencies (and the logging and grazing interests they befriend) possess power. This power is manifested by the salaries paid to local non-Indian employees, by "official" signs and offices, and by the service's green pickup trucks. In contrast to these visible "symbols" of ownership, the Native People are visibly poor. And yet, if the Constitution and Supreme Court decisions mean anything (at least for Indians), it is not legally possible for the federal government to own land seized without the payment of "just compensation". No attorney, judge, or government official can show how the federal government can legally be the owner of any Pit River lands, no matter how much it may look like the owner and despite its century or more of illegal possession.

The field of so-called Indian Law, especially as it relates to real property, is extremely complex, full of contradictions and illogical doctrines. This confusion arises from the desires of the dominant society to have "law" (in the form of the Constitution with its built-in protections for private property) while also having land that was taken by no other right than conquest. The two are not logically compatible. To put the legal situation baldly but accurately: California Indian land was stolen by armed robbery, and the armed robbers are still in possession of the stolen goods. This situation may be hard for the white majority to accept, but it is easy enough to document — not to mention 120 years of brutality, murder and cultural genocide.

Cutting down the majority

In 1845-47, there were at least 100,000 Native People still living in California along with 7,000 Mexicans of predominantly Indian origin and about 700 persons of European descent. In 1849, with the discovery of gold, white immigration became a flood. By 1870, there were only some 31,000 indigenous Indians left. By 1880, about 16,000 were still alive. In scarcely 30 years, the Native Californian population declined 84 percent. Between 1870 and 1880 alone, during a decade of "peace", it declined by 50 percent. And even these figures do not measure the actual number of deaths, since children were still being born and are included among the 16,000 survivors in 1880.

What happened between 1849 and 1880? The noted California historian H.H. Bancroft wrote in the 1880s:

> The California Valley cannot grace her annals with a single Indian war bordering on respectabililty. It can boast, however, a hundred or two of as brutal butchering, on the part of our honest miners and brave pioneers, as any area of equal extent in our republic . . .. Now and then [when an Indian] plucked up courage to defend his wife and little ones, or to retaliate on one of the many outrages that were constantly perpetrated upon them by white persons, sufficient excuse was offered for the miners and settlers to band and shoot down any Indians they met, old or young, innocent or guilty, friendly or hostile, until their appetite for blood was appeased.

Numerous massacres were carried out, often by "citizen vigilante" terrorist groups and on occasion by regular troops. For example, in May 1850 Captain Nathaniel Lyon led a large force to Clear Lake to punish Pomo Indians for their execution of two settlers who had been enslaving natives, seizing women, and torturing those who resisted. Lyon's troops were met by peaceful Natives, hiding on an island. According to an account published in the *California Historical Society Quarterly* in September 1932:

> Many women and children were killed on and around this island. One old lady — said she saw two white men coming with their guns up in the air and on their guns being a little girl . . . . And a little while later, two more men came — this time they had a little boy on the ends of their guns. . . . A little ways away . . . layed a woman shot through the shoulder. She held her little baby in her arms. Two white men found the woman and baby, they stabed [*sic*] the woman and the baby. . . . She said when they gathered the dead, they found all the little ones were killed by being stabed, and many of the women were also killed [by] stabing . . . . This old lady also told about the whites hung a man on Emerson Island. . . . The Indian was hung and a large fire [was] built under [him]. And another . . . was tied to a tree and burnt to death.

In 1862, Colonel Francis L. Lippitt reported from the Eureka area, according to *The Other Californians* (University of California Press, 1972):

> You can readily imagine that in this state of things no Indian can show his head anywhere without being shot down like a wild beast. The women and children, even, are considered good game, not only in the mountains but here all around us, where families who have brought up Indian children (whose parents have been massacred) have to exercise constant watchfulness to prevent their being murdered. The horrible massacre some time since on Indian Island, in this harbor, of some 150 peaceable and friendly Indians, mostly squaws and children, you have no doubt heard of. . . . Secondly, the state volunteers' campaign of last year, which was a mere series of Indian hunts, whose only object was to slaughter, of course. . . . The Indians to be sent here will require a very strong guard . . . to protect them from the Indian-killing whites that are but too numerous about.

In such areas as Tehama County, Humboldt Bay, Napa Valley and Round Valley, organized efforts were made by white terrorist groups to liquidate the Native population. George C. Yount, for instance, wrote of the Napa Valley that: "It is not eight years since the . . . valley swarmed with not less than eight thousand human beings, of whom there are now left as many hundreds. They have been hunted down by the murderous white man." As many as 5,000 Yuki Indians were living in Round Valley in the early 1850s; ten years later, only a few hundred remained. The rest were systematically murdered or died of malnutrition and other causes directly attributable to being constantly hunted by white gangs or sold as slaves.

Indeed, until at least 1869 California was a slave

On the cover . . .

The photograph on the cover was obtained from the indian picture collection of the California state library. The man is identified on the back of the photograph as Old Mecario, probably of the Mono tribe.

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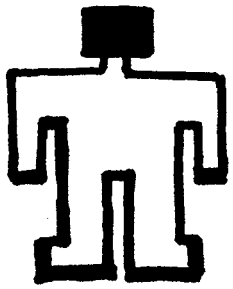


state. The enslavement of Native Californians had its roots in the Mexican and Spanish periods, but didn't really become widespread until the 1840s. And one of the worst of the slavers, according to a contemporary, was John Sutter, who frequently sold Indians. James Clyman wrote in 1846 that Sutter "keeps six hundred to eight hundred Indians in a complete state of slavery, and I had the mortification of seeing them dine. I may give a short description: ten or fifteen troughs three or four feet long were brought out of the cook room and seated in the broiling sun; all the laborers great and small ran to the troughs like so many pigs and feed themselves with their hands as long as the troughs contain even a moisture." Sutter's atrocities included the forced concubinage and rape of young Indians and yet, despite these acts, he is honored today by the state Division of Beaches and Parks as a hero.

Rights stripped

In 1849, the California Constitutional Convention deprived Native Californians of all citizenship rights. These included the right to vote, which in turn resulted in the denial of the right to serve on juries, to hold public office, and so forth. In 1850, the Legislature adopted a measure that made it possible for any Indian to be declared a vagabond and sold to the highest bidder for use as a laborer. This practice was alluded to in 1853 by the district attorney of Contra Costa County, who reported:

> Ramon Briones, Mesa, Quiera, and Beryessa of Napa County, are in the habit of kidnapping Indians in the mountains near Clear Lake, and in their capture several have been murdered in cold blood. There have been Indians to the number of 136 thus captured and brought into this county, and held here in servitude. It is also a notorious fact that these Indians are treated inhumanly, being neither fed nor clothed; and from such treatment many have already died, and disease is now threatening distruction of the remainder. All the Indians I allude to were brought here forcibly and against their will. . . . There is also a regular organized company of persons who capture and sell these Indians, and several have lately been so disposed of to William And Ramon Castro. There is now pending a suit against the persons above named for kidnapping these Indians, but the statutes of this state afford no adequate protection against cruel treatment of Indians. [U.S., Senate Executive Document, No. 57, 32nd Congress, 2nd Session, 1853, p. 10.]

In 1855, it was reported from the Eureka area that "a large number of children have been brought down and sold in the agricultural counties. They bring from $50 to $250 each. Such conduct has the effect of making Indians very shy of coming into the reservations, as they think that it is a trick to deprive them of their children." One year later, an Indian agent reported that many farmers of the Sacramento Valley who were using Indian laborers "have adopted the principle that the Indians belong to them as much as an African slave does to his master, and that they have the right to control them entirely. Many of these Indians have left their places and come to the . . . reservation, and have been followed and demanded by the persons claiming them as private property." Nor are these isolated cases. As late as 1869, Indians were still being sold at auction in an animal corral in the middle of the Los Angeles plaza. Other Indians were maintained in a state of peonage well into the 1870s and even later.

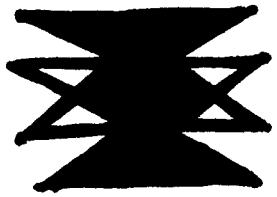
Government role

What was the government's role during these years, from the 1850s to the 1870s, when the Natives were being liquidated or enslaved? The government of the State of California:

- Disenfranchised Indians and made it illegal for Indian testimony to be accepted in cases involving whites.
- Legalized peonage and prohibited Indian children from attending schools with whites.
- Authorized military campaigns against Indians (in spite of having evidence that the Natives were not guilty of initiating hostilities).
- Sought to do away with or greatly reduce the size of Indian reservations, and tried to harass those federal officials who did seek to protect Indians.
- Allowed whites to unconstitutionally seize lands whose Indian title was guaranteed by the Treaty of Guadalupe Hidalgo, and seized Indian lands under the so-called Submerged Lands Act.
- Used the office of the governor to call for the complete removal of Indians from the state.

The only action of the State of California from 1849 through the 1870s that can be construed as being favorable to Native people was a provision in the Peonage Act of 1850 guaranteeing that Indians could continue to live on their traditional village habitation sites. And this section of the act was apparently never enforced; it was, in fact, violated continuously by law-enforcement officials and local judges.

In 1851-52 federal agents, authorized by the President, set aside by treaty some eight million acres of land in California as Indian reservations. These reserves were actually established, and many Indians were encouraged to leave their traditional domains and move to the new sites. The California congressional delegation succeeded, however, in persuading the U.S. Senate to refuse to ratify the treaties, and the President allowed the reservations to disappear (although they could have been established by executive order). The State of



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California was extremely active in gaining abolition of these first reservations.

Various smaller reservations were created subsequently. Many of these however, were later whittled down still smaller or done away with altogether, usually after white settlers' demands supported by the state government. The people appointed to run the reservations were ordinarily political hacks, ambitious connivers, or sectarian missionaries who contributed to the decline in native population either through the misuse of Indian labor, misappropriation of funds, or by being in alliance with nearby white land-grabbers. As J. Ross Browne reported in *The California Indians:*

> A very large amount of money was annually expended in feeding white men and starving Indians. . . . At all events, it invariably happened, when a visitor appeared on the reservations, that the Indians were "out in the mountains gathering nuts and berries. . . . Very few of them, indeed, have yet come back. . . . In the brief period of six years, they have been nearly destroyed by the . . . government. What neglect, starvation, and disease have not done has been achieved by the co-operation of the white settlers in the great work of extermination.

Tenant laborers

Most California natives never received adequate reservation lands, and large numbers never resided on a reserve. The vast majority have always faced the sad prospect of serving as tenant laborers or day-workers for whites who took the land that formerly belonged to the natives.

Furthermore, the loss of what land was set aside for native use remains a continuous possibility. In 1893, for example, the Klamath River Reservation was whittled down from 40 square miles to 9,000 acres (much of the latter since lost). In the 1920s, the City of Los Angeles won control of a 66,000-acre Paiute reservation near Bishop, although as late as 1954 the reserve's value was being subtracted from Indian award monies on the ground that it still existed. In 1958, state Senator Charles Brown, as member of the Senate Interim Committee on Indian Affairs, attempted to find out why the Bureau of Indian Affairs did not restore the 66,000-acre reserve or find equivalent land in the Inyo-Mono region (over 90 percent of which is federally controlled). Leonard Hill, then BIA director for California, replied:

> It is the policy of the bureau in California to conform to the mandate of Congress as expressed in House Concurrent Resolution No. 108 passed July 27, 1953 [the sense of which is that the Indians of California should be "terminated" of their federal relationship]. Aside from keeping the Indians informed of the availability of public-domain land which may be allotted under existing authority [none was available] we see no particular remedy for the plight of the Mono Basin Indians.

This attitude, which astounded Senator Brown, remains typical of the BIA. Hill was simply using a congressional resolution of no legally binding character to refuse to protect or further the interests of California Indians, who had already paid $1.25 per acre for the 66,000 acres in question. (More recently, the BIA has actively opposed legislative efforts to set aside a few acres for near-starving Mono County Indians living in inadequate shelter on land not legally belonging to them.)

Ishi — 'the last wild Indian'

This photograph of Ishi was taken by M. E. Phares on the day after the Indian's capture near Oroville in 1911. Ishi, the Yahi, died five years later after providing anthropologists with a wealth of material about the Stone-Age lifestyle of California's last natives.

In 1953 under pressure from the Indian Bureau, the California Legislature adopted a resolution endorsing the idea of "termination". But the following year, after it was discovered that the vast majority of reserves had been ignored by the BIA and were lacking in sewerage systems, potable water, usable roads, and adequate housing, the lawmakers reversed themselves: In no way were they ready to be turned over to county jurisdiction.

Many California Indian organizations also fought against "termination". Nontheless, the state Senate Interim Committee in 1957 came up with a plan that would have the effect of dividing up all reservation lands on an individual basis, doing away with all tribal organizations (incorporated or otherwise), and granting great discretionary power to the U.S. secretary of the interior. This plan was finally incorporated by Congress, in Public Law 85-671, but was applicable to only 44 of the more than 70 reservations in California.

The struggles of 1953-1958 reveal the disadvantages of being politically weak. The above termination legislation was clearly designed to destroy Indian communities, render economic development impossible, and place individual Indians at a competitive disadvantage with whites. All reservation property was to be divided into individual parcels or sold by the bureau. This is ironic in a state in which agriculture and the timber industry are overwhelmingly corporate in character, and the Indian owners of a few acres of timber, orchard

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Statewide Indian organizations concerned with political affairs

California Indian Education Association. The only statewide "open" membership organization representing large numbers of Indians, the CIEA has local chapters, is democratic in nature and reflects "moderate" grassroots sentiment in the state.

Inter-Tribal Council of California. A statewide group representing tribes and organizations, the tribal council is "moderate" to "conservative" in orientation. It is reasonably representative, although its democratic nature has sometimes been hampered by factional politics and squabbling over control of federal funds.

American Indian Movement. A national organization with a small membership in California, AIM is of a militant nature and has widespread support, especially in urban areas. A majority of Indians generally support its objectives.

California Tribal Chairman's Association. This "rump" group represents a faction formerly in control of the Inter-Tribal Council. It represents a small number of reservation people through their tribal chairmen.

California Indian Legal Services Inc. A statewide nonprofit corporation with a board of trustees partly appointed and partly elected, its Indian membership is reasonably representative of diverse Native viewpoints.

Native American Student Alliance. A loose coalition of student organizations on college campuses, the student alliance has grown dormant in recent months. It suffers from changing leadership and a lack of funds, and is perhaps more a movement today than an organization.

American Indian Education Council. A board created by the Legislature to help develop policy and guide programs within the state Department of Education, the council is representative of the major organizations in the state. It is democratically selected.

California Rural Indian Health Board. This board sets policy for rural health centers located throughout the state. It represents the various regions where the centers are located.

or grazing land were to compete with these. In practice, since most Indians possessed little cash income or were unemployed, they could do little else but sell their parcels for food money (which extra income simply knocked them off the welfare rolls for a few months).

Effect on Indians

The termination legislation and Public Law 280 (transferring "law and order" jurisdiction to states and counties) have together done great harm to California Native People. They have, for example, resulted in the extension of county building codes and zoning regulations that in many instances are culturally biased and often effectively designed to prevent low-income people from living in rural areas. Many building codes prohibit the construction of traditional Indian types of housing and religious structures. Others require electricity and septic tanks, despite the fact that the use of electricity is a value-choice (not a safety requirement), and that pit toilets if located properly are far less a health hazard than septic tanks and leech-lines.

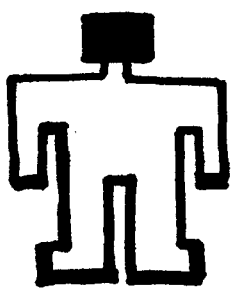
Reservation land is still being sold by the bureau, many terminated reservations have never been prepared properly for termination, and local governments are acquiring ever-greater powers over the non-terminated reservations. The government of the State of California is still pervaded with cultural (if not racial) bias as far as Native Americans are concerned. In the state Division of Beaches and Parks, for example, site after site of Native historical significance is developed with either no reference made to its Indian history or (as at Sutter's Fort) a perverted interpretation of the story of the natives. In the Division of Highways, highway rest areas never commemorate the Native history. In the state Department of Education, Indian programs are side-tracked or ignored. In the governor's office, the governor's mansion is planned for an Indian burial site. In the state Office of Economic Opportunity, *agents provocateurs* were used to seek to undermine Indian organizations or engage in factional politics.

The Indians' political awakening since 1968 has resulted in a few changes in state government. What changes were obtained have ordinarily been subsequently perverted or weakened. For example, the California Indian Education Association led the fight to create a democratically selected American Indian Education Council in the state Department of Education and to have federal Johnson-O'Malley educational funds restored to the State of California (they had been illegally diverted to other states by the BIA with the acquiescence of the State of California). For a year or two the partially restored funds were available under guidelines set by the Indian council; but, recently, the Bureau of Indian Affairs has diverted these funds to certain tribes favored by the bureau. Until very recently, the department's leadership — especially the office of Wilson Riles — failed to back up its own Indian staff and the education council. As a result, California loses millions of dollars each year in money that might help to improve the quality of education for Indian children, and the money that is being spent by the Bureau of Indian Affairs is awarded without proper review.

Governor Ronald Reagan established an Indian advisory office (headed by ex-Stanford Indian mascot Timm Williams), but this office has no authority, was frequently at odds with the state OEO, and had no real access to the Governor's ear. Even this token program has since disappeared.

Political awareness

The growing political awareness of Native American people in California really made itself felt in Sac-



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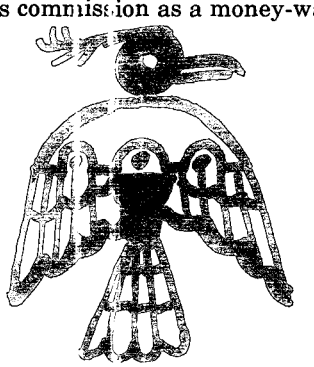
ramento for the first time in 1968. In that year former state Senator William Coombs of San Bernardino, chairman of the state Advisory Commission on Indian Affairs, sought to extend the life of the commission and broaden its powers, but his legislation would also have perpetuated the commission's all-white membership — and without consulting Indian groups. A group of Native Americans, principally drawn from two organizations with broad support (California Indian Education Association and United Native Americans) succeeded in having Coombs' bill amended to establish an all-Indian commission. The amended bill passed the Senate, and Coombs carried the bill to the Assembly side, hoping to change the commission's composition back to its original Caucasian complexion. However, at an Assembly committee hearing the Indians again defeated Coombs, who subsequently refused to bring the bill to the floor of the Assembly for a vote. Coombs turned over the chairmanship of the commission to Senator John Harmer, who in 1969 sought to extend the life of the agency in much the same manner as Coombs had. But by now, the Native community was so incensed that it decided to block any legislation, and Harmer's bill was easily defeated.

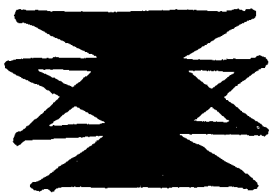
Thus, in 1969, the state Advisory Commission on Indian Affairs, after eight years of non-accomplishment, went out of existence, its membership challenged in court by California Indian Legal Services, Inc., for a number of irregularities. But this victory was defensive in nature, a fact that is symptomatic of the situation of Native People in California.

Idea revived

In 1972-73 Senator Mervyn M. Dymally surprised statewide Indian leaders by reviving the commission idea. Dymally's commission, as proposed, would consist of 15 members (nine Indians, six non-Indians), all appointed by non-Indian office-holders (nine by the Governor and three each by the speaker of the Assembly and the Senate Rules Committee). There would also be 15-member "advisory" committee (ten Indians and five agency representatives), a small staff, and a $50,000 budget. Despite opposition from most Indian leaders and groups (such as the statewide California Indian Education Association), Dymally's bill passed the Senate, 27-7. It did so primarily because the grassroots organizations were over-confident in the belief that the Legislature would reject a concept discredited as recently as 1969. The California Indian Education Association and other groups last month were successful in persuading Dymally to withdraw the bill.

Practically speaking, a commission on Indian affairs is really of no value unless it reflects the various viewpoints found within the Native community. Only a democratic selection process can insure that kind of representation. And yet, such a commission would likely meet opposition from Indians who remember the previous commission as a money-wasting and politically partisan body dominated by non-Indians. Most Indian groups say that they would rather lobby the Legislature directly than have to first convince a commission.





Attention needed

On the other hand, California Native Americans need legislative attention, and the following items — legislation Indians have either tried to introduce or have discussed — suggest the areas in which help is needed:

- Establish a Native California Heritage Commission composed of Native Americans to set policy for the California State Indian Museum and for all archaeological exploration.
- Protect Native American religious shrines, including Signal Peak, the Buttes, Mount Diablo, Mount Tamalpais, Mount Shasta, Mount Konokti, Mount St. Helena — natural shrines that are, in effect, Indian churches.
- Require the state Division of Beaches and Parks to employ more Indians and recognize their heritage.
- Urge the President to establish by executive order sufficient reservations to meet the land needs of all Native Californians.
- Require all school districts to offer instruction in Native languages when a given number of Indian pupils are enrolled.
- Require the Division of Highways to utilize highway rest areas for informing the public of California's multi-ethnic heritage.
- Ask the U.S. Forest Service and the National Park Service to employ more Indians in California and recognize the Native heritage in national parks and forests.
- Require that building codes and zoning requirements not prevent construction and use of traditional Indian structures within the boundaries of reservations and rancherias, at traditional religious sites, or in conjunction with religious activities anywhere.
- Urge Congress to rescind Public Law 280 and reverse "termination".
- Ask Congress to turn over operation of the Bureau of Indian Affairs in California to the Inter-Tribal Council of California or some other democratically controlled Indian agency.

Much more could be done to address the question of powerlessness, but one thing is certain: The 125,000 Native People in California are becoming increasingly militant and exasperated. There will be many more "incidents" of an Alcatraz type unless other avenues of meaningful political expression are available or until the lawmakers become responsive to Native proposals.

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GOVERNMENT AS BOSS

Public employees-- fastest-organizing element in the state's labor force-- see time and politics on their side in drive to end 'one-way' bargaining

BY BRUCE KEPPEL

Had management come at last to sup at labor's table?

There stood Governor Reagan on May 1st — labor day in Communist circles — flanked by representatives of local government and the state Chamber of Commerce to declare to the Capitol press corps: "There is an obvious need for a comprehensive overhaul of the state law governing local public-service-employee relations."

That had been obvious enough to public employees at all levels of government. For the last decade they had seen the traditional advantages of civil service — security, regular hours, competitive wages, good advancement — deteriorate as government growth tapered off and the rate of inflation picked up. The result was a transformation of management-dominated employee associations into something akin to veritable labor unions. Isolated success encouraged further organization and higher expectations. The number of walkouts among government workers in all jurisdictions rose gradually through the 1960s, and exploded for two years at the depth of the inflationary recession that ushered out the decade [see accompanying chronology]. To public employees, from teachers to law-enforcement officers, firemen and steno-pool clerks, the public employer of palmier days has come to look like steely-eyed management in the private-sector.

Now, here came public management to offer legislation containing the once-magic phrase "collective negotiation" — recognition, to an unprecedented extent by the Reagan administration, that collective bargaining for public employees is now a fact of life for public administrators. A few years ago, perhaps even one year ago, that alone might have been enough to ignite the enthusiasm of government workers and dampen their incipient militancy. Instead, their response was unstifled yawns or outright indignation. What Reagan called a "reasonable and fair process" for resolving disputes between local public employees and their tax-sustained employers, the employee representatives dismissed as a belated realization by management that the balance of political power has shifted to labor as the days of the Reagan administration dwindle down to a precious few.

In short, labor is prepared to sit out 1974 and await a new administration. If its leader is Democratic, they reason, he will sign a labor-backed bill. If he is Republican — well, at least he won't be Reagan, who last year vetoed collective-bargaining legislation for teachers and has vowed to do the same for any other such bill to reach his desk.

The issue could, some observers feel, loom large in this fall's runoff in the race for governor.

Growth of public-employee unions

Public employees organized in such numbers between 1962 and 1972 that of the 13 American unions that grew by more than 100,000, the four with the greatest membership gains were in public employment:

Group	1962	1972	Increase
AFT (teachers)	71,000	178,000	251%
AFGE (federal workers)	108,000	293,000	176%
AFSCME (state, county, municipal employees)	220,000	529,000	140%
SEIU (Service Employees International Union)	294,000	484,000	65%

Source: U.S. Bureau of Labor Statistics

Management's bill

Reagan's May Day appearance was designed to draw attention to Senate Bill 2133, the "Public Service Employee Relations Act", which is being carried by the dean of the Senate and sometime Reagan ally, Randolph Collier. It contains the synthesized viewpoints of the chamber, the League of California Cities, the County Supervisors Association and the California Taxpayers Association; employee groups were not consulted directly.

As set forth in SB 2133, this viewpoint is so at variance with the goals of the principal employee groups involved as to make it obvious why a state of crisis has come to infest a field formerly marked by calm.

SB 2133 does grant public employees the right "to form, join, and assist employee organizations, to negotiate collectively through representatives of their own choosing with public employers over matters within the scope of negotiations, and to establish procedures which will facilitate and encourage the settlement of disputes consistent with the public interest." But it denies them the right to strike; such a denial does not now exist in state law.

Moreover, the bill's intent is an outline of the prevailing management philosophy — one considered by employee groups to be out of touch with what is happening in public-sector employment across the nation. The bill states:

> The Legislature declares and herein recognizes that fundamental distinctions exist between public agencies and private industry; that the status of public

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employees neither is, nor can be, completely comparable to private employees, in fact or law, because of inherent differences in the employment relationship arising out of the unique fact that the public employer was established by and is operated for the benefit of all the people, and its authority derives not from contract nor the profit motive inherent in the principle of free private enterprise, but from the Constitution, statutes, charters and local laws; and that government has a basic obligation to protect the public by assuring orderly and uninterrupted operations.

Employee concerns

The Collier bill aims at "putting some structure" into the process of settling disputes, according to Michael Arnold of the League of California Cities, which played a major role in drafting the measure. The employee groups concede that intention, but argue that any legislation will be "skewed to management" if, as does SB 2133, it:

- Prohibits the right to strike.
- Limits the scope of negotiations to wages and specified work conditions.
- Omits any form of arbitration as a recourse to resolving an impasse.

Legislation much more to labor's liking was introduced late last year by Assembly Speaker Bob Moretti. His AB 1243 cleared the Assembly with little change and reposes now in the Senate Public Employment and Retirement Committee (along with a sheaf of amendments). [For a detailed discussion of the Moretti bill and the study by a panel of labor-law experts that preceded it, see "State faces time for decision on public-employee relations", *CJ*, May 1973.] Moretti's bill meets labor's fundamental requirements, and also includes all public employees — city, county, special-district, public-school, and state. Collier's bill, on the other hand, covers only local-government employees, and the Legislature has before it a number of other bills dealing with one segment or another of the public sector, according to Chuck Cole, consultant to the Assembly Committee on Employment and Public Employees.

This piecemeal approach reflects present state law in the field, which is set forth in three separate but similar acts. The George Brown Act of 1961 covers state employees, and the Meyers-Milias-Brown Act of 1968 concerns all other public employees except school employees, who are covered by the Winton Act of 1965. These acts grant public employees the right to organize and be represented by the organization of their choice, and to "meet and confer" with their public employer. But the employees are excluded from provisions of the state Labor Code that, among other things, authorize participation in collective bargaining for binding contracts and striking if necessary. Existing law covering public employees also provides no mechanism for breaking an impasse, either in negotiating an agreement or in resolving a grievance after one has been negotiated. Employers need only "meet and confer" with their employees (though meaningful negotiations do in fact take place in some jurisdictions). This procedure of "meet and confer" has been strengthened somewhat for city and county workers by addition of the precedent-pregnant phrase "in good faith". State workers and teachers lack even that.

Senator Collier, in presenting his bill with the Governor, expressed a recognition of the need for something more than "meet and confer". But he and the other sponsors insisted upon that essential difference between government workers and private workers contained in the bill.

Whatever the merits of that distinction in employee-employer relations, it is not shared by the employee associations of the 1970s. The California State Employees Association and Governor Reagan sparred over this very point last month when the administration proposed an average 2.7 percent pay increase for state workers, who were pressing for 10.8 percent. (They got 5.3 percent in the wake of their immediate outcry and threat of strike.)

Before adjustment was made ("for inflation", the Governor said), CSEA President John Matheny asked Reagan to submit the state's offer and the employees' position to a third party. Reagan declined, saying that such a procedure would be "beyond my legal and constitutional authority." Replied Matheny: "Our proposal to submit this problem to voluntary arbitration did not contemplate violation of the state law. We only sought — and still seek — to reach an agreement with you based on mutual acceptance of third-party factual findings which would then be submitted to the Legislature as part of your budget." Matheny pointed to the lack of a means of resolving the impasse, unless (as it happened) the state chose unilaterally to back off. "At this time," he wrote Reagan, "our differences appear to be so vast that if voluntary arbitration does not appear to be an acceptable solution, then what counter-proposal would you offer to resolve the problem?"

Management option

The choice was, under state statute, entirely up to Reagan. And that fact, more than any other, underlies the newly kindled activism among government workers. That this problem is one of enormous implications for public policy is attested to by the estimate that, by next year, one of every five Californians will be a government employee of one jurisdiction or another. This is a potentially awesome political force, one that could emerge in this fall's general-election campaign.

Marty Morgenstern, administrator of CSEA's organizational services division, described "a very serious change" in the attitude of the state employee over the last few years. "I don't know that they're more militant than other public employees," he said, "but they want the same thing" — true bilateral bargaining. To him, the Reagan-Collier thesis that public employees are intrinsically different from other employees is "discredited and outmoded". "People don't believe in the divine right of kings any more," he said, "and they don't believe in the divine right of management in the public sector either."

Morgenstern noted that CSEA's members wasted lit-

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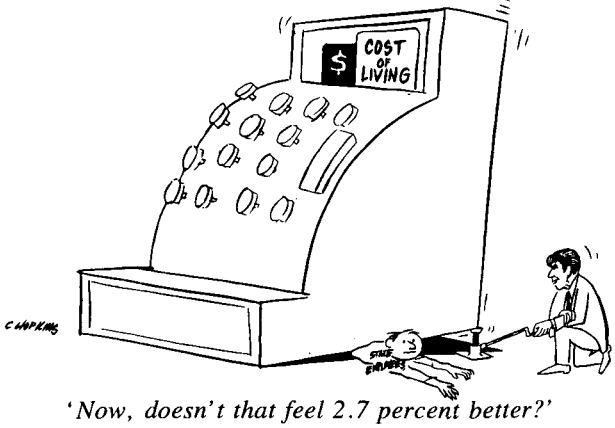

Hopkins, *CSEA State Employee*

'Now, doesn't that feel 2.7 percent better?'

tle time this year before threatening a strike over the size of the proposed 2.7 percent raise, and attributed this fast reaction to the walkout of 500 Water Project Employees two years ago [see "Short strike casts a long shadow", *CJ,* June-July 19, 1972]. "The water strike brought the membership to the point where they're willing now to discuss a strike," he said.

Any administration hopes that somehow CSEA will return to the docile days of yore, when it was dominated by management-level staff, would have to be lessened by the training program instituted by Morgenstern. Under this program, begun two years ago, unit representatives have received training on how to recruit and, especially, how to deal with grievances. About 100 CSEA members a month are receiving this "shop-steward training", Morgenstern said.

CSEA supports Moretti's bill as it stands, and Morgenstern appraised the Collier-Reagan measure this way: "We feel that the Collier bill represents their feeling that they'd better get something now because next year's going to be exactly opposite [with another governor]. We feel that if we don't get something this year, we'll do better next." He predicted an early demise for the Collier bill.

Local government workers

Governor Reagan praised Los Angeles County's Employee Relations Ordinance — the grand-daddy of contemporary public-labor law, having been adopted in 1969 at the height of the new-found militancy. "Los Angeles County happens to have a rather sophisticated procedure for employee and employer relations right now that is very similar to this bill. . . . They have come to the verge of a strike in Los Angeles County and, because they have a procedure similar to this, there is no strike." (San Francisco, Reagan pointed out, has no such ordinace — one's in the works — and had a strike.)

The view of the Los Angeles employee groups involved differs substantially from the Governor's. The fact that Los Angeles County employees came so close to a strike, commented Victor Hochee of the Los Angeles County Employees Association Local 660, was because that ordinance proved to have inadequate machinery for resolving the sort of impasse that leads to walkout. "The ordinance provides the form but not the substance," Hochee said. And the principal problem is that labor relations remains ultimately in the political arena, in the hands of the Board of Supervisors. "The balance of power is greatly skewed to management," he said. That's because the recommendations of the county's three-member commission can be rejected unilaterally by the supervisors, Hochee explained.

Among the more militant local employees in the state are the fire fighters. In Los Angeles, the local unit took its first strike vote ever last month just as settlement was reached.

The firemen's lobbyist in Sacramento, Brian Hatch, agreed with Hochee that the Los Angeles ordinance, as advanced as it was for 1969, is inadequate under stress today. The same problem exists in Vallejo, Hatch added, where the charter was amended to provide for collective bargaining. There, the city and its employees dispute what issues are subject to arbitration. (Some of these went before the state Supreme Court last month.) "We're really getting a dose of dissatisfaction," Hatch commented. "It seems like all over the state we're getting the run-around."

The firemen's frustrations are echoed in spades by teachers, who account for most public-employee walkouts [see chronology]. Mary Bergan, lobbyist for the California Federation of Teachers, attributes that situation, in part, to the weakness of the Winton Act's "meet and confer" provision (in failing to include the phrase "in good faith"), which has left too much unilateral power in the hands of school administrators and their sometimes rubber-stamp boards. "Something's got to give," Bergan said.

Reagan stood in the way of change last year, she noted, in vetoing SB 400 (Moscone), which would have brought collective-bargaining rights to teachers, but Bergan expressed some wonderment nonetheless that the legislation reached the Governor's desk. (She also conceded that the assurance of a gubernatorial veto may have accounted for some aye votes.) CFT, like the other public-employee groups, sees time now as being on the side of the teachers. Consequently, SB 400, with most of the amendments it acquired during passage stricken, has been reintroduced this year as AB 3254 (Alatorre) — its 12th time into the legislative mill.

The larger California Teachers Association (143,000 members) also supports AB 3254, and both groups consider Moretti's legislation compatible. In fact, the united labor support enjoyed by AB 1243 is one of its most notable features, since public-employee associations have, in the past, been their own worst enemies.

State focus

So, while management has pulled up a chair to labor's table, labor appears unwilling to sit down at this point. The consensus on labor's side is that acceptable legislation on whatever level must provide a procedure to reach a true bilateral agreement; "meet and confer", by leaving the initiative for action to management, is by definition unilateral. To be acceptable, labor maintains, legislation must not rule out the right to strike (though it need not specify it, either); it should provide for resolving impasses through recourse to a neutral third party; and it should leave the scope of negotiations open to determination by the two groups involved.

The Collier bill would prohibit strikes, stop short of arbitration, and limit negotiations to salaries and specific work conditions (considering such things as caseload or manning to be management's prerogative. Obviously, the two sides remain far apart. Even if it were amended to include state workers and teachers — in other words to become a true competitor of the Moretti bill — Collier's proposal will have no more chance of clearing the Legislature (and certainly not the Moretti-controlled Assembly) than Moretti's bill will have of being signed should it reach Reagan.

This year, however, labor's the one inclined not to press the issue. So that, if management does indeed want to sup at labor's table, it's going to have to bring along something a little more appetizing for the host — as hard as that may be to swallow.

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A decade of public-employee strikes in California

Government workers have not achieved an explicit right to strike, but they have in fact struck. It is not as easy to document that fact as one might imagine, however, perhaps because the government-employer who would normally undertake this responsibility is also an unwilling participant in the stoppages. Until 1969, however, the incidence of public-employee stoppages in California was such that the California Department of Industrial Relations tabulated the number of strikes from federal data [as summarized in the accompanying table], but did not collect detailed information on specific stoppages. It still relies on the U.S. Bureau of Labor Statistics and press clippings, but since 1969 the department has compiled a listing of each incident, though the information remains tentative and sometimes vague (as in the descriptions below of some of the participants in the stoppages).

But the compilation is illuminating.It is presented here for its demonstration of the variety of jurisdictions that have been involved. (The stoppages in this tabulation involved at least six workers for a minimum of one shift.)

	Stoppages		
Year	No.	Workers	Days Lost
1963	2	190	170
1964	3	3,750	17,900
1965	2	300	680
1966	18	5,790	27,500
1967	8	1,190	15,700
1968	18	5,590	13,900
1969	34	20,800	60,800
1970	26	35,800	356,000
1971	16	4,500	31,900
1972	17	10,700	105,000
1973	13	6,200	65,100

Source: U.S. Bureau of Labor Statistics

1969

San Francisco State College; American Federation of Teachers; seven weeks; 375 workers.

Laguna Honda Hospital, San Francisco; service employees; one day; 127 workers.

SF School District; Raphael Weill School Community Organization; one day; 38 workers.

UC Berkeley; American Federation of Teachers; three weeks; 350 workers.

Lawndale School District, Lawndale; Lawndale Teachers' Association, Los Angeles City and County School Employees; two days; 239 workers.

San Francisco Adult Probation Department; service employees; two days; 16 workers.

North Monterey County School District; National Education Association; one day; 49 workers.

Los Angeles City Board of Education; teachers; four days; 60 workers.

Harbor General Hospital and USC Medical Center, Los Angeles County; service employees; two days; 212 workers.

San Francisco Juvenile Probation Department; service employees; three days; 60 workers.

Huntington Beach Union High School District; District Education Association; one week; 564 workers.

Newport-Mesa Unified School District; Professional Association; one day; 78 workers.

Oxnard Elementary School District; Educators' Association; two days; 309 workers.

Monterey Peninsula Unified School District; Teachers' Association; one day; 150 workers.

East Bay Municipal Utilitiy District; State, County and Municipal Employees; 11 days; 450 workers.

City of Livermore Public Works Department; State, County and Municipal Employees; two days; 32 workers.

Economic Opportunity Council, San Jose; Santa Clara County Employees' Association; two days; 76 workers.

Port of Stockton; Longshoremen's and Warehousemen's Union; 18 days; 107 workers.

City of San Diego; State, County and Municipal Employees; 14 days; 476 workers.

City of Vallejo; Police Association and Firefighters Association; four days; 135 workers.

City of Santa Cruz; lifeguards; five days; 11 workers.

Willowbrook School District; teachers; five days; 40 workers.

City of Anderson; police; three days; nine workers.

City of Tracy; laborers; two days; 20 workers.

UCLA; operating engineers; three weeks; 48 workers.

L.A. Public Schools; Classroom Teachers Association and American Federation of Teachers; one month; 14,700 workers.

San Fernando Valley State College; custodial employees; one day; 95 workers.

Valley State College, Los Angeles; group not reported; one day; 97 workers.

Great Western Reclamation Company; Teamsters; four days; 20 workers.

Lawndale School District; teachers; four days; 204 workers.

Simi Valley Unified School District; Simi Valley Educators Association; one day; 500 workers.

Montebello Unified School District; teachers; one day; 525 workers.

1970

City of Santa Rosa; State, County and Municipal Employees; one day; 63 workers.

Pittsburg Unified School District; Educational Association; two days; 32 workers.

Anaheim Electric and Water Departments; electrical workers; one day; 102 workers.

City of San Francisco; City and County Employees; Service Employees, Teamsters, Nurses Association; three days; 7,000 workers.

L.A. County Department of Animal Control; County Employees Association; one day; 10 workers.

Claremont Unified School District; Federation of Teachers; five days; 29 workers.

Santa Maria Union High School District; District Negotiating Council; two days; 175 workers.

City of Sacramento; fire fighters; 13 days; 428 workers.

Sacramento Transit Authority; Transportation Union; four days; 100 workers.

City of Hollister; police; three days; 12 workers.

Port of Stockton; Longshoremen's and Warehousemen's Union; two weeks; 750 workers.

L.A. City Schools; United Teachers of L.A.; month; 13,000 workers.

Sausalito Public Schools; Black Employees Association; three days; 50 workers.

City of Santa Rosa Public Works and Parks; State, County and Municipal Employees; three weeks; 74 workers.

City of San Diego; firefighters; five days; 1,500 workers.

Alameda-Contra Costa County Transit District; Transit Union; 17 days; 1,432 workers.

Santa Clara County; County Employees Association; three days; 475 workers.

City of Concord; Public Employees Association; one day; 50 workers.

City of Antioch; police; two days; 65 workers.

City of Monterey; Police Relief Association; one day; 57 workers.

Jefferson Elementary School District, Daly City; Classroom Teachers Association; week; 271 workers.

Sir Francis Drake School, San Francisco; Classroom Teachers Association; 10 days; 30 workers.

Santa Barbara County; Sheriff's Benefit and Relief Association; one day; 172 workers.

City of Hayward; City Employees Association, Public Service Employees; two days; 115 workers.

1971

San Francisco General Hospital; hospital interns; three days; 46 workers.

Desert Center Unified School District; teachers; two weeks; 38 workers.

City of San Francisco Public Schools; Teachers Union and Classroom Teachers

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Association; three weeks; 3,000 workers.
Oakland Public Schools; Teachers Union; one day; 150 workers.
Oakland-East Bay State Government; Public Schools and Libraries; seven days; 10 workers. (Precise jurisdiction unreported.)
San Bernardino, Riverside, Ontario; Sanitation Services; three days; 26 workers. (Precise employer-employee data unavailable.)
Port of Oakland; United Public Employees; 11 days; 108 workers.
City of Mill Valley (except police and fire); State, County, Municipal Employees; month; 40 workers.
City of Concord; Public Employees Union; 19 days; 71 workers.
City of Compton; police; two days; 39 workers.
Clovis; municipal employees; one day; 19 workers.
Berkeley; library employees; one day; 100 workers.
Jefferson Elementary School District; Jefferson Classroom Teachers Association; month; 221 workers.
Oakland Housing Authority; OPEIU; four days; 170 workers.
Los Angeles-Long Beach; administrative services; seven weeks; 48 days.
Oakland-East Bay State Government; Public Schools and Libraries; one day; 400 workers. (Precise jurisdiction unreported.)

1972

Laguna Honda Hospital, San Francisco; Hospital Workers — Teamsters; one day; 195 workers.
City of San Francisco; Transport Workers; one day; 22 workers.
Southern California Rapid Transit; Transit Workers — Transportation Union; five days; 3,616 workers.
County of Los Angeles; Service Employees; one day; 2,664 workers.
East Bay Regional Park District; State, County and Municipal Employees; 17 days; 11 workers.
UC Berkeley; Building Trades Unions and Teamsters; three months; 1,340 workers.
Department of Water Resources; CSEA; four days; 411 workers.
County of Los Angeles; mechanical shops; two days; 123 workers.
San Mateo County Housing Authority; State, County and Municipal Employees; nine days; 15 workers.
County of Contra Costa; United Clerical Employees; 3½ weeks; 1,540 workers.
City of Imperial Beach; Municipal Employees Association; one day; 45 workers.
City of Berkeley; United Public Employees and Social Service Union; three weeks; 376 workers.
City of Palm Springs; Public Employees Association of Riverside County; one day; 30 workers.
City of Bakersfield; State, County and Municipal Employees; two days; 45 workers.
City of Pasadena; Service Employees; five days; 72 workers.
City of Foster City; State, County and Municipal Employees; 19 days; 19 workers.
Pittsburg School District; Pittsburg Educational Association; four days; 185 workers.

1973*

Redwood City; Service Employees; one month; 175 workers.
San Francisco General Hospital; Service Employees (X-ray technicians); (duration data unavailable); 30 workers.
Mount Diablo Unified School District; Mount Diablo Education Association; one day; 1,500 workers.
Capistrano Unified School District; Capistrano Federation of Teachers; one day; 65 workers.
Bay Area Rapid Transit; Service Employees and Transit Workers; month; 1,200 workers.
Oakland Housing Authority; Office and Professional Employees; 29 days; 125 workers.
City of Oxnard; Service Employees (welfare workers); (duration data unavailable); 80 workers.
Cupertino School District; Cupertino Education Association; four days; 700 workers.
Berkeley School District; bus drivers; four days; 30 workers.
Southern California Rapid Transit; United Transportation Union; one day; 400 workers.
Orange County Superior Court; (category not available); one day; 40 workers.
Compton Unified School District; Compton Education Association; three weeks; 1,300 workers.
Pajaro Valley Unified School District; Pajaro Valley Education Association and Pajaro Valley Federation of Teachers; five days; 500 workers.

* Preliminary data from state Department of Industrial Relations.

Congress' boost for public employees

An act of Congress, signed into law by President Nixon April 8th and effective only 22 days later, has city and county government in California scrambling. The act is the Fair Labor Standards Act, which dates back to 1938 but until May 1st did not apply to public employees. Extension of the act to nonsupervisory employees of the federal, state and local governments means:

- Replacement of compensatory time off for work beyond a 40-hour workweek by payment at the rate of time-and-one-half.
- Institution of overtime time-and-a-half pay requirements for public-safety workers (police and fire) starting January 1st.

In addition, the federal minimum wage rate is imposed on public employees in the state, an imposition that may fall most greatly upon smaller jurisdictions and on part-time and summer-job programs for youth. But a survey of municipal governments indicates that the new overtime requirements will create the biggest adjustments.

A chief problem for local governments, according to William Danielson, Sacramento's personnel director and a member of a task force working on the problem for the National League of Cities, is "the suddenness of the thing." By making the law effective May 1st, he pointed out, the federal government caught everyone with their budgets closed. "We have to become experts overnight," he said, "in a law that's been around for more than 30 years." Complying with the overtime provisions will involve an appraisal of public services in terms of cost, level and kind. This will be particularly significant in scheduling shifts for police officers and fire fighters, he said. The big impact for Sacramento, Danielson predicted, will be in manning the fire department. But exclusive of any additional costs that public-safety worker overtime provisions will impose — and these will likely be considerable — he has already informed the City Council that overtime for all other city employees will cost at least $350,000 in the next year (and $50,000 for this May and June). While the federal law requires overtime only after 40 hours in a workweek and doesn't specify the number of hours in a workday, Sacramento's charter sets an eight-hour workday, and Sacramento is by no means unique in that.

The City of Los Angeles has already made a preliminary estimate of the additional cost for 1974-75. That figure is $6.3 million, and $5 million of it is for the first half year of coverage (January-June 1975) for public-safety workers. So the cost will rise by at least 100 percent the following year, and even more as the fire fighter workweek is phased down from 58 duty hours a week January 1st to 54 hours a week two years later.

Imposition of the federal minimum wage law will have a "significant" impact on Fresno's summer-job program for youth. "We're trying to find ways to live with the law and minimize the costs," a spokesman said. Sacramento's Danielson, for whom the minimum raise is a "tiny" problem, was not optimistic about minimizing costs. Speaking as a local official who knows perhaps as much about the federal impact as anyone, he commented: "We're all the time discovering new costs."

Since the higher costs are due to federal requirements, the provisions of California's SB 90 limiting property taxes may not apply as local governments balance their new budgets. But even that is a question mark.

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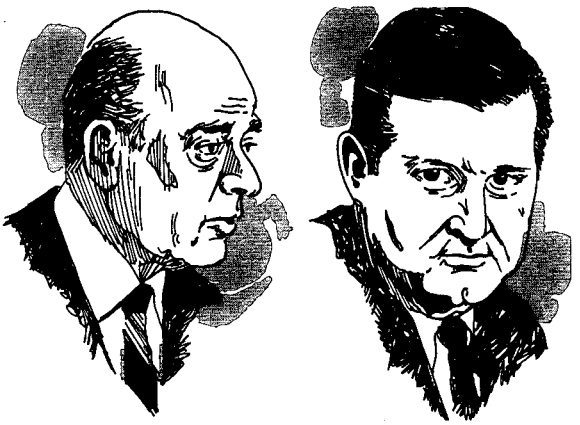
SEXUAL HANGUP

Making crime laws fit today's morality



Donald Grunsky Alan Sieroty

By RONALD BLUBAUGH

According to people who study such things, more than 50 percent of California's married couples committed a felony within the last year while in the privacy of their bedrooms. And it wasn't smoking pot. They engaged in an oral-genital sex act. In the penal code the practice is a crime identified as "sex perversion", and the punishment can be imprisonment for as long as 15 years. Marriage counselors and psychiatrists don't consider such sexual conduct to be a perversion, and district attorneys rarely hear of such a case since police officers seldom arrest consenting males and females they might find thus occupied in a parked car.

The law remains on the statute books, however. It is an example of the 1872 moral values still contained in the California Penal Code. For ten years the Legislature has been struggling toward adoption of a revised code, and this year the end may be in sight. A 226-page revision bill containing the California Criminal Code, by Senator Donald Grunsky of Watsonville, has cleared the Senate on a 23-11 vote.

Still, those married couples will probably go on breaking the law for at least another year because an unusual mixture of sex and politics has the reform bill stalled in the Assembly. Alan Sieroty, a liberal Democratic assemblyman from Beverly Hills, is chairman of the Criminal Justice Committee, and he is openly unenthusiastic about the measure as now written. With the prospect of a more liberal governor next year, Sieroty may hold the bill in his committee.

Piecemeal repairs

The penal code was adopted on February 14, 1872. Every Legislature since has amended it to meet some of the problems of the day. Yet, as Senate Judiciary Committee Chairman Alfred H. Song put it recently, the code "has as many anachronisms as a fruitcake has raisins. Two years ago I myself had to extract the last remnants of the old Oriental exclusion laws." All the piecemeal repairs have left the state with a code in much need of reform. While individual bills have attacked specific problems, nothing has been done to cast the entire law in a more modern framework.

Plans to revise the code were initiated in 1963 by then-Senator Edwin J. Regan of Trinity County. Under Regan's bill the Legislature established a joint committee to study revision. In 1965, when Regan was named a justice of the third District Court of Appeal in Sacramento, Grunsky took over the project.

A group of well-known law professors was appointed to draft proposed revisions. The leader of the group was Arthur Sherry, a professor of evidence and criminal law at Boalt Hall School of Law at the University of California in Berkeley. Using the model code of the American Law Institute as a starting point, the professors drew up a proposal for California. But they ran into two problems: no close coordination with the Legislature, and resistance among district attorneys on their advisory committee. In four years, not a single legislator on the joint committee attended a staff meeting. When the district attorneys became upset about the proposals for reducing penalties on marijuana offenses and a suggested change in the definition of criminal insanity, the project blew up. Grunsky fired Sherry and the rest of the professors. "Their plan was admired by many scholars and liberal persons," Grunsky recalled, "but the committee concluded there was no point in spending the time or money on a proposal which, after we got all through, wouldn't have a chance and would reside in the archives."

Grunsky then hired a full-time staff to develop another plan. They followed the general outline set forth by the professors but removed many of the contentious innovations, and Grunsky introduced the criminal code bill two years ago. After letting it sit around for a year to let lawyers and others become aware of it, he began moving the bill, SB 39, this year. When it went through the Senate it got bipartisan support and opposition, with persons traditionally thought of as conservative voting both for and against. There was a similar split among the liberals.

As the bill moved through the Senate, the most liberal and controversial features of the professors' original plan had been removed, which Grunsky maintains was necessary to getting a comprehensive bill enacted. "A revision bill is only as strong as its weakest link," he said. "If you are going to get a major revision package through, you can't have a weak link." To Grunsky, a "weak link" is so highly controversial as to virtually insure legislative defeat or a gubernatorial veto. Specific items can be enacted later, he added.

But removing controversial matters like the liberalization of marijuana and sex laws is not a sure ticket to passage. Those changes have simply raised a new group of opponents, notably a militant coalition of homosexuals who opposed the measure in testimony before the Assembly Criminal Justice Committee. Some of the homosexuals termed the proposed bill worse than existing law. The bill would put the word "homosexual" into

The author covers state government for a Sacramento daily newspaper.

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Major provisions of the proposed penal code

Although Senate Bill 39 does not go as far as many liberals would like, it still would make some important changes in California law. Among these are provisions that would:

- Legalize all forms of private sexual conduct between males and females over 18 while retaining criminal penalties against homosexual activities.
- Legalize limited wagering on sports contests and neighborhood gambling games that are not banking or percentage games.
- Make a misdemeanor of a conspiracy to commit a single misdemeanor, instead of making such a conspiracy a felony, as at present.
- Categorize crimes according to five types of felonies and two types of misdemeanors, and reduce from about 60 to 13 the various possible punishments for felonies.
- Generally modernize the language of the code and update its approach to crime and punishment.
- Limit to 13 specified felonies the right of a private citizen to commit a justifiable homicide to prevent a crime.
- Revise the law on theft, generally raising the dollar amounts that divide felony and misdemeanor theft.

The bill also would revise some antiquated sections.

the law for the first time and would make certain conduct between members of the same sex a crime while identical conduct between members of the opposite sex would be legal. At least now, say the homosexuals, they are treated no worse than heterosexuals.

And there also is an unspoken opposition from the American Civil Liberties Union, a group with major influence on the Assembly Criminal Justice Committee under Sieroty. The ACLU has not testified against the bill at any of the hearings nor taken a public position on the measure, but staff members working in behalf of the revision report a definite ACLU presence against the measure.

Criminal insanity

In addition to the homosexual and marijuana questions, liberals also dislike the bill because it fails to change the definition of criminal insanity. Current California law follows the rule set down in 1843 during the British trial of Daniel M'Naghten that if a person knows right from wrong he is capable of standing trial. Some reformers favor more liberal federal rules allowing a jury to consider lack of free will in addition to knowledge of right and wrong.

Such views have found sympathy from Sieroty who, in addition to being chairman of the Assembly Criminal Justice Committee, is a member of the Joint Committee on the Penal Code. "It is a very difficult [political] background for any major legislation of this kind," he commented. "We have a conservative Senate Judiciary Committee, a liberal Assembly Criminal Justice Committee and a conservative governor. How are you going to reconcile issues like sex, homosexuality, marijuana, gun control, criminal insanity? When you think about issues like these, how are you going to get all those sides together? Democrats look to next year when we may have a governor who is more attuned to the progressive changes going on all over the country. This committee has been working ten years. If nothing happens for another year, it won't hurt matters."

Grunsky has invited Sieroty to make whatever changes that he considers necessary, providing that the measure can still get out of the Assembly. Grunsky said he personally has no problems with the legalization of homosexual conduct between consenting adults, although he gravely doubts the political viability of such a change.

Sieroty is more reluctant to strike a compromise at this time in his committee. "We also have to assess the chances of the amendments we would propose being supported on the Senate side and in the governor's office," Sieroty said. "It's a lot of work to amend a bill of this size, and we have a very limited staff. Unless we have an understanding that the amendments will be acceptable, I don't know about this year."

The problem Sieroty faces is that he has no assurance that once the bill leaves his committee any amendments put in to take care of his objections could be removed by the full Assembly. This was done with Senator George Deukmejian's death-penalty bill last year. Even if they cleared the Senate, an Assembly-Senate conference committee could cut them out before enactment. Then the bill would go to a governor unsympathetic to liberalization of marijuana and sex laws.

Political self-defense

Sieroty has tried in the past to win passage of penalty-reduction laws for marijuana. Others have tried to win the modernization of the sex laws. All have failed. It is politically difficult for some legislators to support single measures that bring changes so unpopular in conservative communities. There is no way a legislator can duck such a vote. On a bill to legalize homosexuality between consenting adults, a legislator from a conservative district might have a hard time explaining a "yes" vote.

But the situation is different if there is such a provision in a larger, comprehensive bill that revises the entire penal code. In that case, the legislator could always explain that while he did not favor legalizing homosexuality the bill was so good in other respects that he believed it worthy of passage. He then could cite a few examples of changes more attractive to his constituents.

This technique of political self-defense is not lost on liberals who are trying to reform drug and sex laws. Having lost too often on the one-at-a-time approach, they now are trying to succeed in the massive reform bill. Grunsky's measure fits that political need. The danger if they let the bill out this year is that they may not get a second chance, even if a liberal governor is in office.

Next year, there will be even more territory in which to make compromises and deals for both sides. The code revision that Grunsky has undertaken is a three-part process. Part one is the criminal code bill, SB 39. Part two is SB 1239, a revision of the corrections code, which Grunsky introduced this year; following the practice he established earlier, he is just letting it sit for a year while interested persons become acquainted with it. Part three, which is expected to be out this summer, is a code of criminal procedure. It will probably not be introduced as a bill until next year.

Together, the three codes would completely update California's entire approach to crime, from arrest to trial to punishment. An election year is an unlikely time to expect passage of even the first of these.

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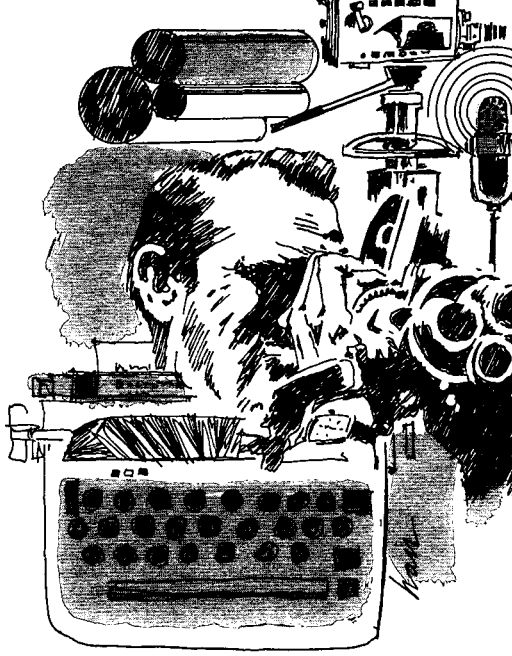

Baiting the broadcasters-- a battle the GOP can't win

By BAXTER OMOHUNDRO

At the Republican State Central Committee's spring convention in San Jose last April, there was proposed a resolution described by one observer as "a classic case of vigilante censorship." The resolution, brought forth by a group of highly motivated women from Northern California, urged a boycott of the sponsors of network news broadcasts because network "reporting is filled with rumor, assumptions, and innuendo which bears no relation to facts and which attempts to impeach President Nixon through mass hysteria." Pointing out that there is no recourse in the courts, the women declared: "We are determined not to be a sponsor of this daily character assassination of our President, his administration and in fact the entire Republican Party."

Cooler heads prevailed, however, and the boycott proposal was given a decent burial by Representative Barry Goldwater Jr.'s Resolutions Committee. But the fact that it was proposed at all was another upwelling of a strong undercurrent within the California GOP: an attitude towards the news media that ranges from wary indifference at best, to bitter hostility at worst.

This attitude is by no means universal within the party. Indeed, the state party's top leadership and office-holders generally have a keen appreciation of the influence Republican communication through the mass media can have on nominal Democrats and other "swing" voters. The anti-media manifestations are seen mainly among the lower echelons of leadership, certain staff levels and, to the largest extent, among the grassroots activists who populate the Republican volunteer organizations. It is a hallmark of adherents of extreme conservatism.

Predates Watergate

Just when this attitude began to take shape is difficult to pinpoint, but it long predates Watergate's onslaughts upon Republican sensitivities and sensibilities. A reasonable assumption for its California genesis is the 1962 gubernatorial election and a defeated Richard Nixon's bitter denunciation of newsmen during his "farewell news conference". It became an observable national phenomenon two years later, when delegates to the Republican National Convention rained epithets upon reporters and cameramen covering the events at San Francisco's Cow Palace. It continued even when the GOP was being borne on the sweet winds of victory.

Lyn Nofziger, now a Sacramento political consultant, recalls an incident when he was directing communications for Ronald Reagan's 1966 triumph: "I heard the press was going to be barred from a big fund-raising appearance in a key county. I had to threaten withdrawal of the candidate's appearance before the chairman of the affair would agree to admit newsmen."

The causes of GOP paranoia involving the media are even more difficult to assess. However, communications professionals who've toiled in the party vineyards are in substantial agreement that:

- The editorial policies of major news outlets have tended to become more politically independent and less Republican over the last decade or so, a fact to which many activists cannot adjust.
- Most working news people are Democrats (even liberal Democrats), so that some Republicans feel uneasy in dealing with them.
- Because of the complex and little-understood process of gathering and disseminating news, plus the inevitability of a reporter's or editor's bias sometimes creeping into news columns, the Republican Party sometimes does take an unfair rap — but so does the Democratic Party.
- Republican activists are less likely to be in such occupations as public office or labor leadership, which would give them a good understanding of how to cope with the news media.
- Individual Republican activists are likely to be more intensely dedicated to their party, so that they react more viscerally than cerebrally when the tidings are bad.

Three Cases

The latter point likely is the most important of all, for it has put tongues into gear before brains were turning

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The author was until recently communications director for the Republican State Central Committee. He formerly was city editor of the Long Beach Independent-Press Telegram, *national correspondent for Ridder Newspapers, and a public affairs officer for the federal government.*

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over. The results have been actions to the actual or potential detriment to the Republican Party.

For example:

1. The chairman of a "media watchdog" committee in Southern California decided to complain to the Federal Communications Commission that a local television channel's news and public-affairs programs had a decided anti-Republican slant. He made the decision (later rescinded) without first discussing his complaint with the station's management. The likelihood is that even a Republican-dominated FCC would chuck such a complaint on the ground that proper recourse hadn't been sought.

2. In the instance recalled by Nofziger, the function's chairmen could only see that some of the well-heeled faithful invited to the affair might be discommoded by a herd of reporters and cameramen (probably all Democrats). What he failed to realize was that the candidate wasn't there solely to talk to several hundred of the already persuaded, but to get the message across to undecided voters via the press covering the event.

3. In addition to creating the dreadful image of "vigilante censorship," the boycott proposed by the well-intended but shortsighted Northern Californians could have caused considerable damage at the grassroots. Suppose that such a movement caught on among Republicans, who in great droves avoided buying the products of "Mammoth Motors" because of the firm's sponsorship of a television news broadcast. Surely the most adverse effect would be on Mammoth Motors dealers in heavily Republican areas. These dealers would then be less inclined — and less able — to support the party than they probably were before.

California GOP leaders are acutely aware of the injurious potential of the anti-media syndrome within their party. Paul Haerle of San Francisco, the outspoken vice chairman of the Republican State Central Committee, admits to having once shared the bias. "When I first came to Sacramento, I started with the typical attitude that the press was out to slash us," says Haerle, who was Governor Reagan's appointments secretary from 1967 until 1969. Haerle said he soon discovered that "this was not the way to go," and he changed his thinking after establishing a rapport with political reporters he previously had regarded as journalistic boogie men. "Somewhat to my surprise, I found them to be really nice guys who are usually quite fair and objective," Haerle recalls. "But I damn well knew I wasn't going to change their personal political beliefs, and I accepted this."

Despite their recognition of the problem, Republican leaders have no real program for dealing with it. Haerle regards exorcising the deeply ingrained anti-media spirit to be a long and slow educational process — one made more difficult by the passions aroused by Watergate.

The diminishing Republican registration percentage in California should make it plain to Republicans in all ranks that they must reappraise their attitude towards the news outlets. In a state as large and diverse as California, the news media are the only consistently effective way of getting the GOP message across to those voters who elect Republicans despite the imbalance of partisan registration. Without effective use of these media, Republicans could wind up talking only among themselves in an ever-narrowing circle.

It was said . . .

School principals presently operate in the dark, with little knowledge of criminal acts by their students unless these are committed on the campus.

. . . by Chairman Kenneth Hahn of the Los Angeles County Board of Supervisors in ordering a crackdown on juvenile crime.

Have you ever found yourself waiting in the dentist's chair, draped, mouth filled with cotton, jaws open, suction tube gurgling merrily, and let your eyes wander around the office and come to rest on the wall with all the diplomas — and found out exactly how long ago this individual to whom you've entrusted your life (or so it seems at the moment) graduated from dental school?

. . . by President Stephen Horn of California State University at Long Beach, addressing Southern California Dental Hygienists' Association on "Prevent Decay: Return to College."

The transportation world looks at California as a leader with vision, courage and the willingness to develop resources for transportation systems. I'm suggesting that we do the same thing for total transportation.

. . . by Harry L. Parrish, chief of the California Division of Mass Transportation, before members of the state's transportation industry celebrating National Transportation Week in Sacramento.

This candidate ran for this office to show the difference between legal prostitutes and statesmanship at its highest degree of honesty.

. . . by John Hancock Abbott, a Democratic gubernatorial candidate from Santa Clara, reporting on his finance statement why he would accept no campaign contributions.

If I had ever been for public financing of campaigns, I would be for it this year.

. . . by campaign consultant Lyn Nofziger, reflecting on the difficulty of raising funds in 1974.

These are the women who, after being aggressed against at both the psychic and physical level for a long period of time, finally explode. They're the ones who haul out a gun and go bang, kill their husbands, or beat their children to death, or commit suicide.

. . . by Marjorie Breitenbach, reporting on a year-long study she did for the American Association of University Women on women's attitudes to female roles.

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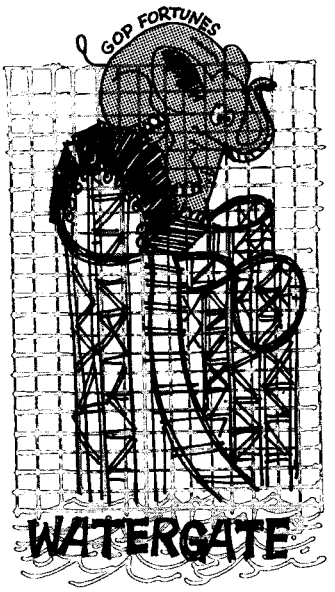
CAMPAIGN '74



Double trouble for Republicans -- redistricting and Watergate

By ED SALZMAN

Governor Ronald Reagan, backed by county Republican leaders, adopted a reapportionment strategy following the 1970 census that called for rejection of virtually any redistricting plan developed by the Legislature. Reagan theorized that the GOP would be better off with a nonpartisan proposal drafted by special masters appointed by the state Supreme Court. Under any bill that could clear the Legislature — and a couple did — incumbents of both parties would be given safe constituencies. Relatively few seats would be up for grabs, and the Democrats presumably would retain legislative control.

Reagan's theory was sound. The GOP might well be better off with many marginal seats, even if it meant sacrificing a few Republican incumbents. Why should a Republican governor sign a bill assuring Democratic majorities in the Senate and Assembly, plus more than half the state's 43 seats in the federal House of Representatives? On the other hand, Republicans could only gain by a flexible situation in 1974 because, with superior campaigning, they could cut down the Democratic advantage and perhaps even gain control of the state Senate.

It made great theory. But the state Supreme Court and its redistricting masters failed to cooperate. The court plan which goes into effect his year gives Democrats almost all the safe seats they sought, endangers a few Republicans and leaves relatively few seats open.

Then came Watergate. The recent series of special congressional elections (including the Santa Barbara-Ventura race won by Republican Robert J. Lagomarsino) indicates that Democrats should carry most marginal districts in November, plus some that have traditionally gone Republican. In previous elections, Republicans have attempted to implement their "Cal Plan" designed to pick off vulnerable Democrats and eventually give the GOP control of the Legislature. (It worked once, and Republicans ran the Legislature in 1969 and 1970.) This year, the GOP will be forced to concentrate on minimizing the party's losses — barring a sudden reversal of the Watergate phenomenon.

Rule of thumb

The key question is not whether the voter bias against Republicans will remain in November but how deep it will cut. How many of the 20 Congressional seats won by Republicans two years ago will go over to the Democrats? Can the Democrats improve their 21-19 advantage in the Senate? And is it possible that the Republican minority in the Assembly — already reduced to 31 of the 80 seats — will plunge even further?

One rule of thumb in handicapping district elections in California is that the Democratic candidate normally wins in districts with a Democratic registration of 56 percent or higher and that Republicans win in districts with a Democratic registration of 53 percent or less. Districts in the 54-55 percent range are considered to be up for grabs. This rule is based on the fact that Republicans are more loyal to their party than are Democrats — and also more apt to vote. (The rule does not work well in the San Joaquin Valley, however, where many conservatives register Democratic and vote Republican.) Using these numbers as a base and assuming that Democrats will not need the usual 56 percent registration advantage to win districts in the wake of Watergate, what is the outlook for November?

Congress. Of the 23 House seats now held by Democrats, only one could be expected to go Republican, but there are several GOP seats that could go Democrat. Democratic Representative Richard Hanna of Orange County has repeatedly won reelection in a district that, by the rule of thumb, should go Republican. It is now, as a result of redistricting, only 52 percent Democratic. There are 11 Republican districts with a Democratic registration of at least 50 percent. In the unlikely event that the Watergate phenomenon should produce Democratic victories in all these districts, the GOP would be left with only nine seats in the 43-member delegation. In terms of voter registration, here are the most vulnerable Republican seats, in declining order of danger:

- 58 percent Democratic — Bob Mathias of Tulare County.
- 57 percent — the seat vacated by former Representative William Mailliard of San Francisco.
- 56 percent Democratic — William Ketchum of Bakersfield, Don Clausen of Del Norte County.
- 53 percent Democratic — Burt Talcott of Salinas.
- 52 percent Democratic — the seat being vacated by Charles Gubser of Santa Clara County, and those held by Robert Lagomarsino of Ventura County, Del Clawson of Los Angeles County and Pete McCloskey of San Mateo County.
- 51 percent Democratic — the seat being vacated by Craig Hosmer of Long Beach.
- 50 percent Democratic — Victor Veysey of Claremont.

Mathias and Ketchum, representing San Joaquin County communities, are not nearly as endangered as

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Election results and analysis

Complete statewide results of the June 4th primary election — accompanied by a race-by-race early line on the November general election — will be published in the July *Journal*. No reprints are contemplated.

the percentages may indicate, although Mathias will be a top Democratic target. The Mailliard and Gubser seats, for example, are more likely to go into the Democratic column. Veysey's chances of victory depend less on party registration than on the fact that he is a newcomer to the district because of reapportionment. In any event, a landslide could put many or all of these districts in the Democratic column.

Senate. The Republicans are in relatively good shape in the Legislature's upper house because only half the 40 Senate seats are up this year — and 14 of them are now occupied by Democrats. Conventional wisdom holds that two of the Democrats will be Republican targets because of the registration figures — 55 per cent Democratic for Walter Stiern of Bakersfield and 52 percent Democratic for Arlen Gregorio of San Mateo. But both should survive this year. Of the six Republican districts being contested, four have the following Democratic majorities:

- 54 percent Democratic — Peter Behr of Marin County.
- 53 percent Democratic — Clark Bradley of San Jose.
- 52 percent Democratic — the Santa Barbara-Ventura Counties district vacated by Congressman Lagomarsino.
- 50 percent Democratic — Craig Biddle of Riverside.

Of these four seats, the Democrats probably have the least chance of capturing the one occupied by Behr, who holds strong appeal for Democrats (perhaps more so than Republicans). Democratic strategists are concentrating on the Bradley and Lagomarsino districts. In the case of Biddle, the problem is less one of registration than of the efforts of a determined opponent, Undersheriff Bob Presley of Riverside County. Presley came within a whisker of defeating Biddle in a special election two years ago, and the Watergate factor could make the difference this year.

Assembly. The lower house situation is far more complex because the numerical rule of thumb has been violated often in recent elections. The Democrats now hold six seats that belong to the Republicans in terms of voter registration. And Republicans represent six districts with Democratic registration of 58 percent or better. In addition, redistricting created four districts that have no incumbent and are, theoretically, wide open.

Here are the districts now held by Republicans that, because of voter registration, might well be "Cal Plan" targets in a normal election year:

- 46 percent Democratic — Bob Wilson of San Diego.
- 49 percent Democratic — Lawrence Kapiloff of San Diego.
- 53 percent Democratic — Dan Boatwright of Contra Costa County; Ken MacDonald of Ventura County, Wadie P. Deddeh of San Diego County, and the seat vacated by Ken Cory of Orange County.
- 55 percent Democratic — Walter Ingalls of Riverside.

Wilson and Kapiloff became legislators because of peculiar campaign conditions in their districts, and they will always be in danger of defeat. The Republicans have a good chance of winning the Cory seat, but the impact of Watergate could prove decisive. Republicans will not even mount major campaigns against Deddeh, MacDonald, Boatwright and Ingalls.

These are the districts now held by Republicans but with Democratic majorities:

- 67 percent Democratic — Ken Maddy of Fresno.
- 65 percent Democratic — Paul Bannai of Gardena.
- 58 percent Democratic — Ernest Mobley of Fresno County; Gordon Duffy of Hanford.
- 55 percent Democratic — Eugene Chappie of Roseville; Doug Carter of San Joaquin County.
- 53 percent Democratic — Robert Nimmo of San Luis Obispo County; the seat being vacated by Bill Bond of Long Beach.
- 52 percent Democratic — Frank Murphy of Santa Cruz.
- 51 percent Democratic — the seat being vacated by William Bagley of San Rafael.
- 50 percent Democratic — the seat being vacated by Don MacGillivray of Santa Barbara.

It would take a net gain of five to give the Democrats a two-thirds margin in the lower house (54 seats), and this is somewhat significant because it takes 54 votes — a two-thirds majority — to pass urgency and appropriation bills. Under these circumstances, a Republican minority would be almost powerless (assuming that the Democrats stuck together).

Before the round of congressional elections gave politicians a notion of the potential depth of the Watergate reaction, Democrats were expecting the November election to produce an alignment close to the current 49-31 division. Now, the Democrats have raised their sights, although they recognize that several of the 11 seats listed above are out of reach. They do not expect to defeat Murphy, Nimmo or Duffy, for example, and figure their best chances are in the districts represented by Carter, Maddy, MacGillivray and Bannai.

In a normal year, the Republicans would have a great opportunity of picking up at least three of the four wide-open districts created by the Supreme Court reapportionment. But the 21st District is virtually conceded to Democratic Supervisor Victor Calvo of Santa Clara County. And the Democrats cannot be counted out in the 24th District (56 percent Democratic) in Santa Clara County, the 65th District (53 percent Democratic) in the Pomona-Upland-Chino-Ontario area, or the 34th District (51 percent Democratic) in the Mojave Desert region.

Incumbents and Democrats

With hindsight, it is easy to see that the Republican Party would have been better off with any of the various compromise reapportionment plans developed by the Legislature. And the combined effects of the court redistricting and voter disenchantment with the party led by Richard Nixon is not apt to be an unusual two-year anomaly. Californians have a habit of returning incumbents to office, and those Democrats who capture seats from Republicans this year will have a good chance to win reelection even after the present effects of Watergate disappear.

This could well mean that the Democrats will be guaranteed control of both houses of the Legislature long enough to draft the reapportionment following the 1980 census. At that time, Republicans could be forced to swallow a redistricting proposal far more harmful to the GOP than the ones rejected by Governor Reagan.

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How seven organizations grade California lawmakers

BY JOAN R. REISS

With 936 lobbying groups in Sacramento, it shouldn't be too difficult to determine how a legislator's record squares with his rhetoric. Each year, lawmakers must cast thousands of votes that are recorded and available to the public. But a survey of 272 major lobbying organizations reveals that only 14 compile voting records of legislators and make their ratings public. From these, however, it is possible to determine from 1973 voting patterns where legislators might be placed on the political spectrum.

For purposes of comparison, the records compiled by seven organizations — ranging from the AFL-CIO to the California Republican Assembly — were selected to establish voting patterns for all 120 senators and assemblymen. Here are the organizations and the types of legislation that their respective surveys cover:

California Labor Federation AFL-CIO. 14 Senate and 11 Assembly votes dealing with employee-worker rights and benefits.

California Peace Officers Association (CPOA). Eight Senate and 10 Assembly votes in the field of law and order.

California Republican Assembly (CRA). 16 Senate and 16 Assembly votes dealing primarily with fiscal and criminal-justice issues.

League of Women Voters (LWV). 14 Senate and 17 Assembly votes covering human resources, equal rights, environmental quality, voting and education.

League of Conservation Voters (LCV). 54 Senate and 53 Assembly votes on environmental matters.

Legislative Birdwatchers (LB). 21 Senate and 24 Assembly votes on environmental issues.

National Organization for Women (NOW). 48 Senate and 52 Assembly votes on women's rights.

Weighing the votes

Of these seven groups, only the Republican Assembly and the League of Conservation Voters give some votes more weight than others. The other five organizations count all votes equally even though one bill may be far more significant than another. In the accompanying charts, the weight factors given bills by the CRA and LCV are retained. In some cases, it was necessary to convert scorecards giving only "good" and "bad" votes (in the rating organization's judgment) to percentages. In those cases where the organization did not give legislators percentage ratings, the Legislative Birdwatchers system was used; that is, the number of favorable votes cast was divided by the number of voting opportunities.

In compiling these voting records, the most difficult

The author compiles voting records in her capacity as president of Legislative Birdwatchers, a conservationist organization based in Sacramento. She was assisted by Diana Alves, a student at Sacramento State University.

1973 Senate ratings

	Labor	CPOA	CRA	LWV	LCV	LB	NOW
Alquist (D)	86	0	15	79	89	76	73
Behr (R)	93	25	15	100	90	67	82
Beilenson (D)	79	38	10	93	100	86	84
Berryhill (R)	14	100	82	50	71	57	54
Biddle (R)	36	88	90	50	85	81	63
Bradley (R)	7	88	80	0	55	43	25
Carpenter (R)	21	88	84	36	69	48	32
Collier (D)	72	25	32	43	66	62	63
Coombs (R)	21	50	62	14	69	62	42
Cusanovich (R)	79	63	68	50	81	67	52
Deukmejian (R)	50	75	65	36	83	57	65
Dills (D)	100	50	31	86	72	71	88
Dymally (D)	86	0	15	86	100	90	71
Gregorio (D)	86	38	33	93	100	90	79
Grunsky (R)	79	63	55	72	92	86	69
Harmer (R)	7	38	84	21	58	38	15
Holmdahl (D)	93	38	31	86	82	90	69
Kennick (D)	86	13	37	86	90	76	69
Lagomarsino (R)	50	100	89	50	74	76	52
Marks (R)	93	38	20	86	78	90	86
Marler (R)	57	63	79	50	73	48	40
Mills (D)	86	0	9	79	93	86	84
Moscone (D)	79	13	15	93	90	71	65
Nejedly (R)	86	75	42	86	81	81	61
Petris (D)	93	38	3	79	96	95	73
Richardson (R)	0	63	90	7	57	19	17
Robbins (D)	100	38	21	72	95	76	67
Roberti (D)	100	25	15	93	94	95	71
Rodda (D)	100	25	20	93	98	100	80
Schrade (R)	64	50	65	29	77	62	52
Short (D)	36	0	3	57	87	71	57
Song (D)	72	38	16	79	86	71	61
Stevens (R)	43	38	48	72	72	52	63
Stiern (D)	100	38	37	72	62	67	73
Stull (R)	29	88	85	50	80	57	44
Walsh (D)	64	25	24	57	85	43	36
Way (R)	36	38	82	36	82	76	61
Wedworth (D)	79	63	44	64	77	62	50
Whetmore (D)	0	50	84	7	80	43	46
Zenovich (D)	79	25	31	86	67	62	71
Average:	**64**	**47**	**44**	**62**	**81**	**69**	**60**

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problem is how to treat absences. The CRA applies a partial penalty for an absence. LCV eliminates all official absences and counts abstentions as negative votes only when a bill is defeated. Birdwatchers and NOW consider an absence or an abstention as a missed chance to vote "correctly" and, therefore, as a "wrong" vote. (This is the main explanation of why the two environment-oriented organizations — League of Conservation Voters and the Birdwatchers — came up with different percentages while using many of the same roll calls.)

These seven ratings show that by far the lowest average ratings belong to the two most conservative organizations, the Republican Assembly and the Peace Officers Association. These groups oppose more bills than they support, and the most conservative lawmakers have the highest CPOA and CRA scores. Liberal legislators typically have low CRA and CPOA scores (less than 30 percent) and high scores with the other five organizations (better than 80 percent with NOW and 90 percent higher from the other four groups). Using these seven 1973 scorecards as a guide, here are the most conservative and most liberal members of the California Legislature:

Most liberal. Assemblymen Alatorre, Berman, Brown, Burton, Fenton, Gonzales, Ingalls, Kapiloff, Knox, Papan. Senator Rodda. All are Democrats.

Most conservative. Assemblymen Antonovich, Burke, Wakefield. Senators Berryhill, Biddle, Carpenter, Lagomarsino (now a congressman), Richardson, Stull. All are Republicans.

The average percentages also show that the Senate is significantly more conservative than the Assembly. The statistics also indicate that groups with the highest overall percentages had the most success with the Legislature in 1973, specifically those organizations concerned with women's rights and the environment. For conservatives, it was not a very good year.

1973 Assembly ratings

	Labor	CPOA	CRA	LWV	LCV	LB	NOW
Alatorre (D)	91	20	20	94	100	100	87
Antonovich (R)	9	90	89	53	68	60	60
Arnett (R)	27	20	52	82	88	76	69
Badham (R)	0	60	68	18	56	32	48
Bagley (R)	55	10	46	82	83	80	77
Bannai* (R)	—	—	74	72	73	67	78
Bee (D)	100	30	40	100	86	80	81
Berman (D)	100	10	15	94	100	100	91
Beverly (R)	36	30	47	77	96	84	68
Boatwright (D)	100	50	31	100	100	100	87
Bond (R)	18	80	60	82	75	68	62
Briggs (R)	27	50	36	71	90	64	58
Brown (D)	100	10	9	94	100	92	81
Burke (R)	0	90	84	18	48	20	45
Burton (D)	91	0	15	94	100	84	87
Carter* (R)	—	—	47	50	73	60	59
Chacon (D)	91	40	45	94	84	72	79
Chappie (R)	64	50	54	82	71	52	72
Cline (R)	0	70	68	41	91	80	64
Collier (R)	9	80	74	18	64	36	43
Cory (D)	82	20	23	71	94	76	73
Craven* (D)	—	—	78	29	84	67	56
Cullen (D)	91	40	30	82	87	84	89
Davis (D)	46	70	50	59	64	52	64
Deddeh (D)	100	20	15	88	94	96	85
Dixon (D)	82	10	16	82	100	80	85
Duffy (R)	55	30	42	65	68	52	70
Dunlap (D)	82	10	10	88	100	96	83
Fenton (D)	91	20	26	100	100	96	87
Fong (D)	82	10	10	88	100	84	85
Foran (D)	100	20	3	88	100	88	83
Garcia (D)	73	10	31	100	100	72	79
Gonsalves (D)	82	20	36	88	96	84	75
Gonzales (D)	91	10	16	100	98	100	91
Greene, B. (D)	82	10	18	82	100	88	73
Greene, L. (D)	73	20	20	82	100	92	85
Hayden (R)	82	90	27	88	100	92	89
Holoman (D)	91	10	15	88	100	84	75
Ingalls (D)	100	30	21	94	100	100	83
Johnson, H. (D)	91	20	32	82	96	80	75
Johnson, R. (R)	55	70	46	94	73	68	78
Kapiloff (D)	100	20	20	94	100	100	93
Karabian (D)	73	20	26	77	100	68	70
Keene (D)	91	20	33	94	91	80	89
Keysor (D)	100	40	26	88	100	100	89
Knox (D)	91	10	10	94	100	92	85
Lancaster (R)	0	80	70	47	64	56	62
Lanterman (R)	9	70	76	53	73	56	62
Lewis (R)	55	40	57	71	79	64	71
Lockyer* (D)	—	—	—	64	100	—	—
MacDonald (D)	73	10	16	82	98	80	77
MacGillivray (R)	9	40	70	82	71	64	66
Maddy (R)	100	20	21	88	92	84	83
Mc Alister (D)	100	90	45	100	90	92	89
Mc Carthy (D)	100	10	21	100	100	100	79
Mc Lennan* (R)	33	60	79	25	54	37	53
Meade (D)	91	10	10	88	100	96	87
Miller (D)	55	10	17	71	100	60	62
Mobley (R)	46	50	40	65	57	52	60
Montoya (D)	100	20	34	88	100	80	68
Moretti (D)	82	20	15	100	100	100	85
Murphy (R)	55	30	52	65	82	76	73
Nimmo (R)	9	20	52	47	61	52	64
Papan (D)	100	10	20	100	91	92	87
Powers (D)	100	20	31	94	90	92	87
Priolo (R)	18	40	54	82	99	88	79
Quimby (D)	64	10	18	71	98	56	56
Ralph (D)	91	10	10	82	100	72	73
Russell (R)	0	90	73	35	74	72	58
Seeley (R)	18	30	50	82	80	72	75
Sieroty (D)	82	30	15	82	100	84	77
Thomas (D)	82	30	31	88	98	84	75
Thurman (D)	100	60	37	88	98	84	83
Vasconcellos (D)	82	10	15	88	100	84	87
Wakefield (R)	9	90	92	12	45	24	35
Warren (D)	91	10	16	88	100	72	79
Waxman (D)	73	20	10	100	100	92	77
Wilson (D)	100	20	33	94	88	84	87
Wood (R)	64	60	36	94	93	92	81
Z'berg (D)	91	30	16	88	100	92	81
Average:	**67**	**35**	**36**	**76**	**88**	**77**	**75**

*Elected in mid-session.

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Still No. 1 drug problem

ALCOHOLISM

By SHELLEY WOOD

Alcoholism is probably as old as alcohol, but in recent years the extent of the social problem it presents has been pushed out of public view by concern over the high incidence of narcotics experimentation. In the meantime, the abuse of alcohol has continued to rise and to increase also among females and teen-agers. Now, officials are beginning to acknowledge that California's number-one drug problem is still alcoholism. What has made the difference is a change in attitude: State agencies, the Legislature and even the police are moving away from treating alcoholics as criminals or degenerates and accepting instead the view that alcoholism is America's most untreated treatable disease.

Yet, this change in attitude hasn't been as far-reaching as it will apparently have to be in order to address the problem squarely statewide. Despite the fact that public drunkenness has been officially decriminalized and that rehabilitation efforts are being beefed up with some success, anti-alcoholism programs aren't always working out the way planners had hoped.

One of 12 Californians . . .

At least one million Californians — one of every 12 over the age of 20 — suffer from alcoholism. Few of these people fit the usual stereotype of the skid-row down-and-outer. In fact, public inebriates comprise only about four percent of the alcoholic population. The problem drinkers look on the surface pretty much like everyone else but while they remain undetected the scope of their problem spreads. As it does, California government and business lose at least $400 million annually in lost wages — and probably a good deal more than that.

Even more critical is the cost to the alcoholics themselves. Although as a cause of death alcoholism still ranks tenth in California, the number of fatalities due to alcoholism among those aged 35 to 64 has risen sharply. Taking this figure into account, alcohol becomes the fourth major health threat in this productive age group. It is surpassed only by heart disease, cancer and mental illness. Even worse, recent studies indicate that drinking drivers are involved in at least one-third of all California highway traffic fatalities and in 20 percent of all injury accidents.

Drunkenness decriminalized

The first big official turn-around in the approach to alcoholism took place in 1971, when the Legislature passed Senator George Deukmejian's bill to decriminalize drunkenness. Although its implementation has been much less than widespread, the possibility now exists for counties to stop "the revolving door" court process of repeated jail sentences for public drunks with no effort at treatment of their drinking problem. Enactment also constituted a decision by the state to treat public drunkenness as an illness, instead of as a crime, it being thought that the law would provide an impetus for establishing a statewide network of centers to receive and treat people with an alcohol dependency.

Under this law, counties can eliminate public drunkenness as a crime. Instead of arresting a person found inebriated in public, a civil procedure can be followed; under it, an officer can take an inebriate into protective custody and place him in a local health facility for up to 72 hours. After detoxification there, the person is released but encouraged to seek further medical treatment, if necessary. The catch, however, is that drunkenness can only be decriminalized where detoxification centers have been established. And the funds for constructing them have so far been made available only in seven of the state's 58 counties — San Diego, Santa Barbara, Sacramento, Monterey, Santa Clara, San Mateo and San Joaquin. No funds have yet gone to the two counties with the highest incidence of drunkenness arrests: Los Angeles and San Francisco.

California's problem drinkers

Total Population	19,953,134
Population Over 20	12,251,431
Problem Drinkers	1,151,760
Arrests for Public Intoxication	254,877
Arrests for Drunk Driving	199,174

Source: Office of Alcohol Program Management

'Detox' centers

One of these detoxification facilities is in Sacramento, where it is called the Community Alcoholism Rehabilitation Center. Although unique in being the state's only privately run "detox" center, Sacramento's suffers from the same kinds of problems that beset the others. Despite its 70 beds (six for women) the center usually is full every night — in fact, by 4 o'clock in the afternoon — coincidentally, the start of the so-called happy hour of cut-rate cocktails at local bars. If any "happy hour" reveler is picked up, therefore, the chances are that there'll be no room at the center and he will be taken to the county jail, booked and taken before a judge. (Sacramento County authorities say that five to 30 people a night are thus jailed.)

Detoxification centers have come in for their share of criticism. Detractors point out that they are at best stop-gap measures that may allow the inebriate to sober up safely yet don't attack causes of drunkenness. These

The author, a student at the University of California at Davis and a Journal *intern, wrote on the Legislative's Sergeants-at-arms in the February issue.*

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critics see danger in spending too much time on and devoting too many resources to the public inebriate, whom they see as only the most conspicuous aspect of the problem, the tip of the iceberg; the working alcoholics are much less evident. Since maintaining a detox center is expensive and deals with only a fraction of the problem (and at that only in a superficial way), critics argue that it merely removes obnoxious drunks from store fronts, an expensive form of community sanitation.

Supporters of the detoxification centers concede that the facilities are inadequate, but they also contend that they were not intended to correct defects in the individual or society. The present centers are only the first step toward establishment of long-term facilities where alcoholics can be housed away from the influence of their cronies while participating in recovery programs. Meanwhile, the few existing detox centers provide needed hot meals, medical treatment, beds and a chance, at least, for the alcoholic to try to recapture a measure of individual dignity.

Police attitude

Related to decriminalization is the changed outlook of those who often have the most contact with alcoholics — law-enforcement personnel. According to Dick Iglehart of the California Peace Officers' Association, the police would "love to be rid of the criminalistic approach to public drunkenness. For the police to pick up these people is an administrative hassle," he explained. "If there were some way to avoid it, they would." Iglehart, who represents California law-enforcement officers' interests in Sacramento, believes that detoxification centers are becoming more widely accepted by the police for the practical reason that drunks ought not to be increasing the jail population. Penalties for drunkenness do not deter the chronic public drunk, he observed, and the process of jailing inebriates just drains funds needed elsewhere.

A health problem as extensive and costly as alcoholism must be dealt with on a large scale. So far, the nature of alcoholism and how society views it seem to have precluded such a major state effort [see box]. A loosely connected series of treatment programs have existed for some time, but only recently has attention been directed toward the problem from the outside. The consequence of this concern has been an increase in the size, scope and number of programs financed or supervised by the state.

Detoxification centers are just one of many ways of treating alcoholism. Responsibility for coordinating anti-alcoholism efforts lies in the state Office of Alcohol Program Management, created by the Legislature in 1970 to consolidate the activities of 13 state agencies concerned with one aspect or another of alcoholism. Operating with a budget of about $37 million, the Office of Alcohol Program Management administers the funds and is developing a state alcoholism plan to satisfy federal requirements while planning guides to aid the counties; in other words, it is supposed to hold the present system together.

The office operates through the county alcoholism programs. These in turn have responsibility for local planning, consultation, grant review, and for providing alcoholism services. Money is focused on the counties in the belief, which is prevalent in other areas of health care, that it is best to treat the patient close to home. Currently, 19 counties have clearly identifiable alcohol treatment programs in which the primary focus is on the alcoholic. However, all counties are treating alcoholics in their regular Short-Doyle programs, which are funded 90 percent by the state and 10 percent by the counties.

The state's primary role is not to establish the actual alcoholism programs, but to coordinate what Director Loran Archer of the Office of Alcohol Program Management calls the "alcohol system". It is within this system that the alcoholic could find the kind of help most compatible with his needs. The major components of this system of direct assistance are:

Alcoholics Anonymous. Probably the best known of all alcoholism-abuse programs, AA is not funded by the state, but depends on the endeavors of its alcoholic members to help themselves.

Out-patient clinics. Offering such techniques as group therapy and counseling to alcoholics, 19 clinics now operate throughout the state.

Recovery houses. The more than 200 of these facilities provide residential arrangements for alcoholics who need to be in a semi-protective atmosphere. Recovery houses, staffed by non-drinking alcoholics, only recently became recipients of public funding.

Detoxification centers. These serve as entry points into the system for those typically not a part of society's mainstream.

Toll-free telephone number. By calling (800) 372-6450, a person can receive information about available alcohol-treatment programs. The service is sponsored by the state alcoholism office.

The Department of Rehabilitation. Only one of many state agencies involved in alcohol-abuse programs, rehabilitation offers vocational training to those classified as handicapped by alcoholism.

Alcoholic state workers

Which of these approaches is most effective depends upon whom one is trying to reach. Detox centers, for example, are suited to down-and-outers, while clinics are better for the working alcoholic. The state has thus shied away from trying to devise one program to take in everyyone — an orientation that also prevents creation of a non-duplicative and coordinated approach.

Where alcoholism is greatest

County	Total Population	Number Problem Drinkers	%
1. San Francisco	715,674	145,325	20
2. Sierra	2,365	280	12.2
3. Calaveras	13,585	1,330	9.7
4. Tuolumne	22,169	2,060	9.3
5. Lake	19,548	1,780	9.1

Source: Office of Alcohol Program Management

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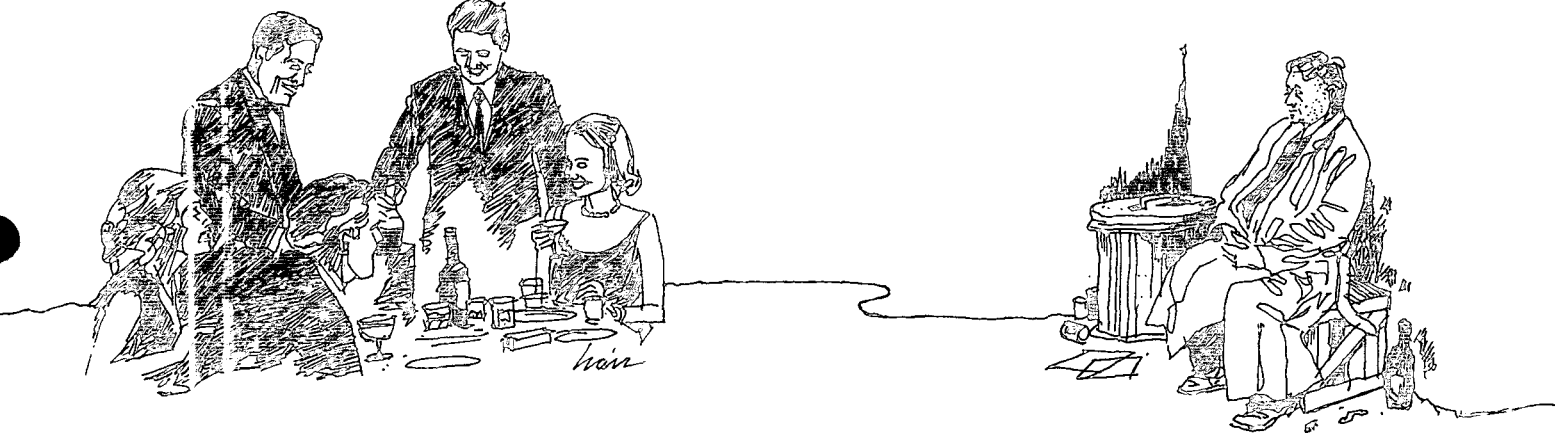

The Office of Alcohol Program Management has begun a program to help alcoholic state workers. The California State Employees Association estimates that there may be as many as 5,000 state employees in the Sacramento area alone with drinking problems. As recently as five years ago, these employees would have been subject to dismissal were their alcoholism discovered. However, under the State Employee Alcoholism Program, alcoholics no longer need fear for their jobs if they do seek treatment. State departments are encouraged to find ways to help alcoholic employees.

Some success

The major obstacle to coherence faced by the state is the lack of definitive information. No one knows precisely how many alcoholics there are, how they break down by race, sex, and income, or even how many are actually being treated. This problem stems from inadequacies in the methods used for compiling statistics, and it has hampered the delivery of services and allowed local groups to escape the kind of control that might draw them into a coordinated system. The concentration of programs at the local level enables services to be close to the alcoholic's daily life, and leaves room to tailor treatment to the individual; but it also prevents offering a uniform level of service in the state.

In spite of the administration and operational problems, however, Archer remains optimistic. "If I could get the same return on stock that this office gets on its rate of success with alcoholics, I could retire," he declared. Much of Archer's optimism stems from a study of 2,000 individuals who had gone through alcoholism programs. When analysts compared how much the subjects were earning before treatment and 18 months later, the increased amount of taxes they now contributed was found to exceed the cost of their treatment. (This finding does not include such indirect savings as the need for fewer hospital beds and decreased family problems.)

Half loaf

Passage last year of SB 204, the so-called alcoholism rehabilitation bill, also cheers Archer. Sponsored by Senator Arlen Gregorio, the measure came under strong attack by the liquor industry because of provisions that would have raised the tax on alcoholic beverages to subsidize increased alcohol-abuse programs. Proponents of the legislation claimed that, since liquor obviously contributes to alcoholism and the industry profits from selling alcoholic beverages, it should share the cost of solving the problems alcohol consumption creates. Gregorio argued that alcoholic beverages are taxed less in California but cost more than in many other states. His bill proposed that what he termed as windfall profits now enjoyed by the industry go instead to the state's general fund. The liquor industry countered with the argument that "the state doesn't assess the automobile industry for funds to curb reckless driving, so why should it single out the alcoholic beverage industry?"

This kind of reasoning aided in the removal of the taxation section of the bill. After numerous other slices, the state was lucky to get $9 million allocated over an 18-month period for local programs combating alcoholism. Although it's too soon to measure its effect, this money, combined with $2.4 million from the federal government, has given maneuvering room for programs and a new mechanism to determine what facilities are needed. Counties are now required to set priorities and establish an alcoholism-treatment plan.

Apparently undaunted by his lack of total success, Gregorio tried again this session. He introduced legislation to tax the liquor industry and allocate money from the general fund for alcoholism programs to yield an additional $13 million in 1975-76 and $15 million in 1976-77. Gregorio correctly predicted that his bill, SB 1497, wouldn't pass this year, but he added that it will, eventually. (Gregorio estimated that perhaps 10 percent of his colleagues in the Legislature are problem drinkers.)

The officials who would administer these potential funds agree that some sort of additional tax on liquor will be necessary, as well as other steps designed to reduce liquor consumption. They place a lot of faith in the power of advertising against over-indulgence to counter liquor-industry promotions. They also look to a change in state interest in the problem. People who deal with the cost of alcoholism, in terms of lives and dollars lost, consider that funds now devoted to treating alcoholism are a drop in the bucket. They add that the state must clarify its position on alcoholism in relation to its encouragement of, say, the wine industry. [See "Mission improbable: squeezing more revenue out of grapes", *CJ*, March 1974, p. 97.]

Just what the future holds for alcohol-abuse programs in California is not yet apparent. But certain factors make it impossible to return to the days when a state senator could publicly characterize an alcoholic as being ". . .generally speaking, a disreputable person put into this position by his own weakness." Alcoholism is too widespread to be ignored, and it is on the rise among those previously less affected — women and teen-agers. The traditionally accepted male-female alcoholism ratio of 5 to 1 is falling, and teen-agers drink more, proportionally, than do adults.

The two biggest deficiencies in current attempts to treat the problem seem to be inadequate funding and stop-gap programs. More far-reaching approaches must be sought — such as alcoholism insurance to cover the high cost of treating alcoholics' alcohol-related illnesses. To adopt such a program, however, would require facing squarely the alcoholism problem's true dimensions in a society in which this form of drug abuse is widespread. This remains to be done.

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Watergate's effect on student political leaders

BY ELLEN POLGAR

The California campus atmosphere is quiet these days. Do students share the national mood of helplessness? Has Watergate discouraged student activists who may have planned on political careers? To the contrary, campus leaders now appear more determined to correct what they see as the evils of the present political system.

Interviews with 20 students whose campus activities reflected a strong inclination toward political careers indicate that these are the problems most affecting current views and their plans for the future:

- Misuse of constitutional power by the executive branch of government, coupled with an unassertive Congress.
- Manipulation of the law by politicians to benefit their own financial or political status.
- Private funds influencing election campaigns.
- The ability of business interests to influence public policy-making.

Although most of the students were registered Democrats, the Republicans among them also felt strongly about the misuse of executive power and the lack of assertiveness by Congress. Joe Piasta, a law student at the University of San Francisco who worked as a regional coordinator for the Committee to Re-elect the President, was especially critical of the "inordinate efforts" of the committee to raise funds. Indeed, most of the students expressed concern about the ease with which the committee raised a staggering amount of money.

To some students, Watergate kindled a new interest in the Constitution and the separation-of-powers concept it sets forth. Declared Jon Klar, a UCLA law student and active Democrat: "Congress is weak because there are too many factions. They are not unified under strong leadership." Added Jim Parrinello, student body president at the University of San Francisco law school: "The Nixon administration has wrested that (congressional) power by impoundment of funds and in Vietnam and Cambodia. This can be remedied if Congress will assert itself." The students also felt that a great number of legislators shrink from taking a firm stand on such issues as campaign reform, in part because they engage in just the kinds of activities exposed by Watergate.

Klar was skeptical about reforming the tax structure in the wake of President Nixon's income-tax disclosures because congressmen also benefit from a system so complicated that Klar felt that only the rich could take advantage of its complexities. Lee Altschuler, co-president of the Associated Students of the University of California at Berkeley, emphasized that a key lesson of Watergate is that "white-collar crime is just as dangerous as blue-collar crime; it is more insidious."

"It's hard to compete without bread, and it's hard to be your own person without somebody else's bread," Bill Winslow, president of UCLA's Graduate Council, remarked dryly. Most of the students felt that public financing of political campaigns is the best solution offered thus far, but a vocal minority of three advocated only a more thorough system of disclosing campaign contributions. At the extreme is Mark Waldman, UCLA law school student body president: "In a way, the corporations' giving large amounts of money to a candidate does the same as giving it back to the mainstream of public life. For instance, it buys media time."

The problem that provoked the deepest expression of concern was the ability of big business to influence public policy-makers. "I see more strongly than before Watergate the superiority of corporations and big industry over government," said Parrinello. "This has motivated me to go into government, to be unafraid to rock the boat." Mike Aguirre, co-president of the Berkeley associated students, expressed the consensus opinion: "Decisions that are made by corporate management may affect a community or the nation more fundamentally than any government policy. Unlike governmental policy decisions, which eventually are subjected to the democratic process, corporate power is vested in the hands of the board of directors." This, he continued, suggests that society must put up with corporate abuses of power that may generate immediate benefits to shareholders but at the ultimate expense of the nation's quality of life.

Most of the students saw an overriding benefit to Watergate — the fact that people are becoming more inquisitive about their government. Mark Waldman, president of the student bar association at UCLA, thought that congressmen are running scared in the face of this year's elections. "Very soon, the politicians will realize that they have to get the people's trust," he said. These student leaders agreed that citizens must become more politically involved. Of the 20 participants:

- Seventeen said they plan to work toward this end.
- Six are now in law school preparing to specialize in the fields of civil liberties, the environment, consumer protection, or to work within established agencies to enforce corporate social responsibility.
- Seven undergraduates plan to enter law school.
- Eight expressed a desire to seek public office.
- Four will prefer to work behind the scenes for politicians.

Thus, far from turning these politically oriented student leaders away from public life, Watergate has apparently strengthened their intentions to pursue political careers.

SURVEY PARTICIPANTS

This is the panel of 20 students interviewed for the accompanying article:

UC-Berkeley. Mike Aguirre, Lee Altschuler, Pete Birdsall, Linda Greene, Jon Twitchell.

University of San Francisco. Bob Julian, Jim Parrinello, Joe Piasta, Don Sebastiani.

UCLA. Jon Klar, Mark Waldman, Suz Rosen, Bill Winslow.

UC-Santa Cruz. Lance Bayer, Eric Peterson, Nancy Phillips, Linda Slayton.

University of Santa Clara. Bill Everhart.

UC-San Diego. Tom Leanse.

Stanford. Luis Buhler.

The author, a graduate of the University of California at Berkeley, is pursuing studies in the field of public policy.

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An easy way out of *Serrano* --legalizing the status quo

The biggest single problem inherited by the new state Legislature elected this November probably will be what to do about Serrano *v.* Priest, *the California Supreme Court decision that will presumably require a massive change in the state's system of financing public schools. Will it be politically feasible to do what the courts seem to be demanding – institute some type of "Robin Hood" plan that will take money from the so-called wealthy school districts and give it to the poor? This article shows a likely way the Legislature can avoid coping with the complex issue and retain the status quo.*

By MINOR W. TRIPP

Suburban Republicans and urban Democrats could combine forces to retain the state's current "illegal" system of educational finance when the issues raised in *Serrano* v. *Priest* shift from the legal arena to the political in the next year. Los Angeles Superior Court Judge Bernard Jefferson ruled in April that California's school tax system violates the state Constitution and must be changed, and because five of the six justices who joined in the original landmark *Serrano* decision in 1971 are still on the state Supreme Court, this holding is likely to be sustained. [See "Large urban school districts — possible victims of *Serrano*?", *CJ,* May 1974.]

Conceivably, the Supreme Court could reverse the trial court's decision on the grounds that, as it stated in its 1971 opinion, the relevant provisions of the California Constitution are "substantially the equivalent of the equal-protection clause of the 14th Amendment to the federal Constitution" and that the U.S. Supreme Court's interpretation of the federal Constitution (in a case validating a school-tax system similar to California's) should be extended, by analogy, to California. Probably, however, a majority of the state justices will construe the California Constitution independently of the federal.

Assuming that the trial judge's decision is affirmed, it will then be up to the Legislature to devise a satisfactory method of school-tax equalization. The judge suggested four possible methods of equalizing the burden between "wealthy" and "poor" districts:

- Consolidation of existing school districts into about half as many, with approximately equal tax bases in each district.
- Imposition of a uniform statewide property tax, with the state then distributing the same amount of money to each school child.
- Elimination of industrial and commercial property from the tax rolls for school purposes.
- "Power equalization" of local tax rates, where the revenue raised by "wealthy" districts (in excess of the statewide average for an equivalent tax rate) would be paid to "poor" districts.

Because the court decision requiring school-tax equalization rests entirely on the state Constitution, however, the Legislature also has a fifth alternative: It can propose a constitutional amendment specifying that the existing system of educational finance (with whatever additional equalization provisions the Legislature chooses to adopt) is constitutional. If approved by the people, such an amendment would eliminate the only remaining legal basis for the *Serrano* decision and leave the existing system of school finance essentially intact. For different reasons, both suburban Republicans and urban Democrats may conclude that the fifth alternative is the best way out of a politically difficult situation.

Republican Reservations

Most of the Legislature's Republicans tend to be opposed to *Serrano* on the philosophical ground that it threatens "local control" over the schools. Typically, the Republican legislator represents a constituency that cherishes the concept of "local control" and is strongly opposed to "school busing" and "forced unification". Such a legislator and his constituents are unlikely to be attracted by any of the trial court's proposed solutions to equalizing school taxes. Mandatory unification of school districts to equalize tax bases requires consolidation of suburban districts with urban areas, creating immediate loss of local control and raising the specter of school-busing (because of the higher minority group population in urban centers). Imposition of a statewide property tax eliminates local control over funding levels, implies that an equal amount is to be spent on the education of every child throughout the state and will appear to many as a first step toward abolition of the local school district. Elimination of industrial and commercial property from the tax rolls necessarily means higher property taxes for home-owners already burdened by what they regard as an unfairly distributed tax load and ready to take out their wrath on any legislator who increases it.

'Power equalization'

The complex "power equalization" formula is undoubtedly the least objectionable from the standpoint of "local control", and is also a solution to the *Serrano* problem suggested by Senator Albert Rodda and As-

The author, an attorney specializing in taxation, was an unsuccessful Democratic candidate for state Senate from Contra Costa County in 1972.

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semblyman Leroy Greene, chairmen of the Senate and Assembly Education Committees. Under "power equalization" a district would still retain control over its own tax rate, but the revenues raised by that rate for the district itself would depend not on its own tax base but on the average tax base throughout the state. A "wealthy" district with a greater-than-average tax base would share part of the revenue it raised within its borders with other districts throughout the state, while a "poor" district would receive additional revenue beyond what it was able to raise. For example, if the statewide revenue for a $5 tax rate were $1,000 per child, a "wealthy" district that could raise $1,500 per child might be required to give up $500 per child to a "poor" district that could raise only $500 per child with the same tax rate. Even though "power equalization" is theoretically compatible with "local control", it is difficult to explain. And many advocates of local control are likely to regard it as a first step toward state-controlled allocation of school funds (especially if, as some proponents of the concept have suggested, the distribution formula should take into account higher costs and greater needs of children in urban, central-city areas). As a result, "power equalization" is likely to be viewed skeptically or with outright opposition by most suburban constituencies.

Many Democrats in the Legislature represent constituencies that are likewise dedicated to "local control" over education, and they will oppose *Serrano* for the same reasons. Even Democrats inclined to support *Serrano* on philosophical grounds, however, may oppose it on the practical fiscal basis that it will tend to shift tax revenue from the predominently Democratic cities to the typically Republican suburbs.

Most discussion of the question of school-tax equalization has focused on the example (used by the court in *Serrano*) of contrasting Beverly Hills and Baldwin Park. This suggests that "wealthy" school districts, such as Beverly Hills, contain wealthy people, and the "poor" districts contain poor people. Although there are a few districts where this is actually the case, the opposite is true in most. A school district is "wealthy" in terms of its property-tax base — not because it includes expensive homes, but because it has substantial amounts of commercial and industrial property within its borders. Such districts typically include the central cities and the industrial areas, whose residents are more likely to be members of ethnic minority groups and to have lower incomes than the population as a whole. On the other hand, the low-density, high-income suburbs on the outer fringes of California's metropolitan areas are "poor" in terms of assessed valuation precisely because they have excluded heavy industrial development and have rigidly controlled construction of apartments and office buildings, and installation of light industry. Because of the difference in assessed valuation, school-tax rates are typically lower in the urban and industrial areas than in the suburbs. Equalization of school taxes means lower taxes for the suburban home-owner, and an increase for those who live in the central cities and industrial areas. (More than half the state's students are in districts that would lose money under an equalization plan, and 62 percent of the welfare families live in these supposedly "high-wealth" districts.)

The people who live in the central cities, or in the shadow of large factories or oil refineries, are unlikely to regard their suburban neighbors as "disadvantaged" or to accept the fairness of a school-tax increase in their area so that the suburbs can pay less. Urban residents can point out, with some justice, that the central cities must support programs to combat crime, pollution and poverty in which the suburbs do not share, so that the total urban property-tax rate may equal or exceed that paid in the suburbs. Why should the cities' industrial bases support suburban schools if the suburbs do not contribute to the special programs required in industrial areas? Many Democratic legislators may find such arguments appealing, especially in view of the typically heavy Democratic registration in the urban areas.

The problem of SB 90

One other difficulty with the *Serrano* decision that affects both Democrats and Republicans is its impact on the complex property-tax-limitation formula contained in 1972's SB 90, the Reagan-Moretti tax compromise. Since the limitations imposed by that bill are based on historical tax rates, they will become meaningless if equalization raises some rates and lowers others. Yet, any effort to redefine the tax limit applicable to school districts could shake the whole compromise apart, unleashing a flood of requests for special treatment from other taxing agencies.

While both Democrats and Republicans would encounter substantial political problems in trying to comply with *Serrano*, neither would find it difficult to sidestep the decision by adopting a constitutional amendment. It is always relatively easy to defend the status quo, and an amendment could be characterized as reflecting California's tradition of local control of schools, avoiding disruption of the existing system of governmental finance and saving the people of the urban and industrial areas from a substantial tax increase. Supporters of the *Serrano* decision probably do not constitute a major political constituency, and even they can be mollified if some provision is made for additional state aid to genuinely "poor" areas. The Legislature might even require a minimum tax rate in industrial enclaves having an extremely high tax base and a low population — such as Emeryville in Northern California and Vernon in the south. The revenue would be shared with neighboring districts on a "power equalization" formula. Such a law would respond to the essential concept of fairness underlying *Serrano*, by preventing industry from using a "tax haven" to shelter itself from school taxes. It would also avoid the problems that would be created by rigid, statewide application of the equalization concept.

In short, an amendment to the state Constitution wholly or partly nullifying *Serrano* could satisfy practically everyone, with minimal political cost. That is bound to become an attractive alternative when the next Legislature comes to grips with the problem of school-tax equalization in California.

'74 Journal *Roster no longer available*

The 1974 edition of the *California Journal Roster and Government Guide* is out of print, and we are unable to accept any further orders.

The 1975 edition will be published in next February's Journal. Reprints will be available at that time.

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Significant court actions

Credit where due

The California Supreme Court unanimously upheld the right of banks to tap depositors' checking accounts for delinquent credit-card charges. The only exception made by the court, in *Kruger* v. *Wells Fargo Bank,* involves unemployment and disability benefits. These, it noted, are protected by law from claims of creditors. Checking accounts cannot be used by the bank to the extent that they consist of unemployment and disability payments.

The case reached the court when Jean Kruger's checking account at a Wells Fargo Bank was used by the bank to make up delinquent Master Charge payments. Since her only income was unemployment and disability benefits, she claimed that the bank violated the due-process requirements of the 14th Amendment to the U.S. Constitution and that her benefits were protected. The court, in a decision by Justice Mathew Tobriner, said that the bank's action was not subject to the 14th Amendment but agreed that Kruger's funds were protected because of the nature of their source.

When speech is free

Private shopping centers can deny backers of an initiative petition the use of their property to solicit signatures, the court ruled in *Diamond* v. *Bland,* reversing by a 4-3 margin a 1970 decision involving the same parties. The latest ruling is based on a 1972 decision by the U.S. Supreme Court upholding the right of an Oregon shopping center to prohibit the distribution of political handbills on its property.

Justice Louis Burke, joined by Chief Justice Donald Wright and Justices Marshall McComb and William Clark, wrote that Roger Diamond and other backers of an anti-pollution petition had "alternative, effective channels of communication. . . ." Diamond claimed that the shopping center interfered with his right to free speech, a position that the court had agreed with in 1970. This time, however, the court found the 1972 federal decision to have precedence.

Justice Mosk, with Justices Raymond Sullivan and Tobriner, rejected the majority's position, contending that, regardless of the federal decision, Diamond's activities are protected by free-speech guarantees in the state Constitution.

Public-employee rights

The Supreme Court made its first venture into interpreting the 1968 Meyers-Milias-Brown Act governing public-employee relations in local government. It ruled that the public employee has, under certain circumstances, the right to have a union representative present at a meeting with his public employer. In a 6-1 decision in *Social Workers' Union* v. *Alameda City Welfare Department,* the court specified that an appropriate circumstance would be when the employee "reasonably anticipates" that the meeting will concern union activities and might result in disciplinary action.

The case developed from a 1969 noon-hour rally sponsored by the Social Workers' Union at the Alameda County Administration Building. The county suspected that some employees who participated may have misused county vehicles. Two months later, 30 employees were ordered to attend individual meetings with their superiors concerning the incident. When the employees were denied permission to have union representatives accompany them, seven refused to attend and were suspended three days for insubordination.

The court held that Meyers-Milias-Brown defines the scope of a public employee's right to union representation in "language that is broad and generous" and reaches "all matters of employer-employee relations." The presence of a union representative at meetings such as those in this case helps reduce the potential for coercion, the court said. Justice Marshall McComb was the lone dissenter.

Danger on the beach

The State of California has no duty to warn visitors of criminal danger on public property, the court ruled unanimously in *Hayes* v. *State of California.* The case came to the court after two youths were attacked while spending the night at a beach on the campus of the University of California at Santa Barbara. One youth was killed, the other seriously injured. Their parents sought damages from the state on the ground that it failed to warn visitors of criminal dangers from undesirable persons who frequented the beach area.

The court said that the state would be liable only when injury was caused by a dangerous condition in the property itself. Requiring the state to warn about criminal danger would be unreasonable, the court said in the opinion written by Justice William Clark.

— Compiled by Dennis Campbell

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California NEWSBRIEFS

Disney seeks site near Lake Tahoe for all-year resort

The folks that failed to bring you Mineral King are trying again, this time farther north in the Sierra, at Independence Lake north of Lake Tahoe. Walt Disney Productions reportedly is negotiating with Sierra Pacific Power Company and Sourthrn Pacific Land Company — the two major land-owners in the area — for a site that could cover 45 square miles along the Sierra crest.

Disney has been looking for an alternative site to Mineral King, where an ambitious recreational development had been planned before environmental groups rose in opposition. So far, the Tahoe National Forest, which surrounds the Independence Lake area, has not been brought under a comprehensive land-use plan, according to the U.S. Forest Service. The site is near Interstate 80.

Coastal commissions reject 2.3% of bids to build along ocean

Only 146 of 6,236 applications to build within the 1,000-yard zone regulated by the six regional coastal commissions established by the voters in 1972 were denied during their first year's operation. That amounts to a 2.3 percent rejection rate, though the statistics released by the California Coastal Zone Conservation Commission do not indicate the magnitude of the applications. They do, however, tend to confirm the observation of commission chairman Melvin B. Lane, made in February, that the regional commissions have acted on the "lenient" side in examining proposed construction projects.

League of Women Voters decides to admit men to full membership

After 54 years of female exclusivity, the League of Women Voters last month approved an amendment to the group's national charter to admit men to full membership and equal rights. "I'm not certain men are ready for the league, said President Lucy W. Benson, "but I feel the league is ready for them. I don't think men joining would change the thrust of the organization. It seems to me the league would be stronger with an equal-membership policy."

The League of Women Voters was formed at the time of the suffrage movement that won the vote for women; its purpose was to help draw women into the political process by helping them keep informed on the issues of the day.

Despite the 935-433 tally, some members expressed apprehension at the change in rules. Commented Betsy Johnson of Worcester, Massachusetts: "Most of us are well accustomed to dealing with men in the kitchen, on the dance floor, and in the bedroom. But how many of us know how to persuade men to our point of view on the political plane? Working with men inside the league will contribute to our political effectiveness." The change had been urged because the membership rule conflicted with the spirit of the Equal Rights Amendment to assure equality for women.

The women voted not to add "men" to the league's name.

Welfare board wants counties to investigate illegitimate children

The state Social Welfare Board backed off from its 1972 proposal that would have presumed a woman who bore a third illegitimate child to be unfit to keep it. It suggested instead a county system of looking into the welfare of such children, whether or not the mother sought help. Chairman Robert Mitchell described the board's action, however, as "not so much backing away" from the earlier plan as "an alternative by which society will develop a program by which these youngsters can be looked after."

The proposed procedure is contained in a report, "Unplanned parenthood, a study of unwed parents and the potentially endangered child," issued last month. In it, the board notes "a distinct correlation between illegitimacy and the problems of abuse, abandonment and neglect of children . . ."

Under the board's plan, county "protective service workers, could investigate a child's welfare if asked by an interested agency, the child's family or friends — and not just the mother. "It has been the experience of protective service workers that those most in need of help are often those who fail to request it or refuse to accept it," the report said. The worker would seek to determine the child's paternity, and if the mother refused to initiate paternity proceedings through the district attorney, the worker would do so. The worker would also monitor the child's living conditions during its early years. A county administrative board would have power, after a hearing, to remove a child from its mother. A right of appeal would exist through superior court, the report stated.

The board noted that such a procedure would mean that public officials would be able to intrude on the private affairs of individual citizens, but it maintained that "the rights of the child to be protected" outweigh that consideration.

Reagan proposes another way to reform campaigns

Governor Reagan, after delaying taking a position on Proposition 9, the "Political Reform Act of 1974," last month proposed his own campaign reforms, then later joined the AFL-CIO in opposition to the initiative measure on the June 4th ballot. The move was no surprise. Reagan had mentioned some elements of his proposal in last January's "state of the state" message. And, before having specific legislation introduced last month, Reagan told the Republican State Central Committee in San Jose April 19th that he would urge reforms designed "to restore public confidence in the elective process." Common

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Cause, a co-sponsor of Proposition 9, characterized Reagan's proposed legislation as "too little, too late."

The Governor's proposal has these major elements: making the office of secretary of state nonpartisan; creating an advisory committee on fair campaign practices; banning campaign contributions by labor groups, corporations, lobbyists and judges (though leaving individuals free to give as much as they wish); and shortening the campaign period by changing the date of the primary election from the first Tuesday in June to the first Tuesday in September.

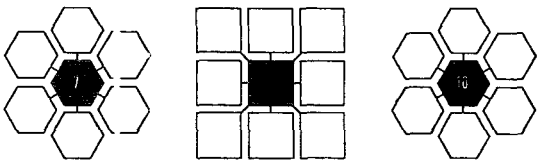
Board of Education wants math texts to stress computations

The California Board of Education decided last month to require mathematics textbooks used in the state's public schools to put greater stress on computational skills. The board adopted guidelines for prospective textbook publishers wishing to sell to the state that:

Call for greater activity orientation and less math theory, at least at the elementary level.

Require continuous development of computational and measurement skills "to ensure functional competency of pupils in a complex society."

In opposite frames, name addends for the sums.



Translation of the board's guidelines into classroom practice will be several years off, however, since the texts have yet to be revised and published. Whether or not the decision also marked a step away from the New Math was unclear, though that program, which places heavy emphasis on number theory, has been under criticism from some quarters since its inception in the 1960s. [See "A new look at the new math," *CJ*, December 1973.]

Reagan reverses closure of Agnews and Patton state mental hospitals

The Reagan administration announced that it will reopen Agnews and Patton state hospitals for the mentally ill, saying that the action came at the request of Santa Clara and San Bernardino counties, where the facilities are located. The hospitals had been closed under a program that would have eventually phased out all state mental hospitals and placed patients in smaller facilities nearer their families. That program was modified last year so that two hospitals — Camarillo and Napa — would remain open. Three other hospitals — DeWitt, Modesto and Mendocino — will remain shut, according to Don Dooley, spokesman for the Health and Welfare Agency.

State workers' pay held up pending ruling by U.S. Supreme Court

That $83.4 million in back pay budgeted by the state last year, denied by the federal Cost of Living Council as inflationary, and approved by the California Supreme Court as beyond federal jurisdiction, has been held up in a final effort by the federal government to block payment. U.S. District Court Judge Philip Wilkins ruled May 17th that to permit the state to pay the $83.4 million — which constitutes an estimated 4.5 percent average raise — "would undermine congressional intent and the Economic Stabilization Act." Wilkins, in invoking his order, said the money should not be paid until the U.S. Supreme Court can rule on a similar situation in Ohio. "This matter has to await the decision of the U.S. Supreme Court," he said. "I can't figure it any other way."

Attorneys for the state and the California State, Employees Association immediately appealed Wilkins' order to the Temporary Emergency Court of Appeals in Washington, D.C. They noted that the anti-inflationary controls invoked by the act expired May 1st.

That wasn't the only setback for public employees last month, however. Governor Reagan vetoed a bill that would have required firemen and police officers to be paid overtime. Reagan cited the added costs, asserting that local agencies would have "to seek higher local taxes or . . . reduce the level of services." (Extension of the federal Fair Labor Standards Act to state and local governments effective May 1st will eventually apply overtime provisions to public-safety workers.)

On the other hand, the Governor conceded that the State Personnel Board's original 2.7 percent average raise effective July 1st was "inadequate" — state workers threatened to strike if it were not increased — and nearly doubled the amount to an average raise of 5.3 percent.

State forester and conservation chief make peace after rift

State Forester Lewis A. Moran, who had been demoted to deputy state forester by Conservation Director Ray B. Hunter, won reinstatement last month as the two men agreed to bury the hatchet. In a joint statement they said, "We both recognize and deplore the detrimental effects on forestry programs and employee morale occasioned by the controversy between us."

The controversy stemmed from Hunter's reorganization of the department's Division of Forestry, resulting in a shift of personnel from Moran's office to Hunter's. In the settlement, Hunter said that he would abide by the decision of the State Personnel Board on the attempted transfer of four assistant deputy state foresters from Sacramento to regional offices.

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California NEWSMAKERS

The controversial general manager of the Bay Area Rapid Transit District, **B.R. (Bill) Stokes**, resigned his $52,000-a-year post, effective June 30th, to become manager of the new American Public Transit Association in Washington, D.C. Legislators had warned BART that there would be no state solution to the district's fiscal problems until Stokes departed. The BART board had split 6-6 on firing Stokes.

The Reagan administration's energy coordinator, **Wesley G. Bruer,** resigned abruptly to protest the Governor's support of a compromise energy-control bill authored by Assemblyman **Charles Warren,** a Los Angeles Democrat. Bruer said the bill flies in the face of the administration's policy because it would create a powerful independent commission that could control California growth.

Reagan withdrew the nomination of **John C. Vukasin Jr.** of Oakland, a member of the state Public Utilities Commission, for appointment to the Court of Appeal in San Francisco. He did so at Vukasin's request. The state bar had opposed the appointment, and the state Commission on Judicial Appointments had failed to act on the nomination for nine weeks. The commission is headed by Chief Justice **Donald Wright** of the state Supreme Court.

Other Reagan appointments were placed in jeopardy by the action of 17 Democratic members of the state Senate who announced an attempt to block confirmation of gubernatorial appointments to state boards and commissions during the remaining months of the administration. Senator **George Moscone**, Democratic floor leader, said that two of the targets were **Robert Sigg**, nominated as commissioner of the Workmen's Compensation Appeals Board, and **Patricia Gaymay**, named head of the Department of Consumer Affairs.

The Governor's problems with a rebellious Republican caucus in the Senate apparently ended with the appointment of Senator **Fred Marler Jr.** of Redding, the GOP floor leader, as a Sacramento County Superior Court judge. Republican senators had expressed displeasure with Reagan for failing to give Marler one of two vacant Court of Appeal posts in Sacramento. Those went to Democrats **George E. Paras** and **Robert K. Puglia**, both Superior Court judges. The Marler appointment had an unusual feature: Rarely is a lawyer from one county named to be a judge in another. Marler had been reapportioned out of his Senate seat. He indicated that he probably would not take his judicial post immediately so as to avoid the need for a special election.

Senate Republicans selected **George Deukmejian** of Long Beach to succeed Marler as floor leader. Deukmejian served as GOP spokesman five years ago during the brief tenure of Senator **Howard Way** as president pro tempore of the upper house .

APPOINTMENTS: Thirteen-year-old **Jeremy W. Hobbs** of Sacramento, as the youngest member of the new state Advisory Commission on Youth . . . **James M. Hicks Jr.** of Sacramento, as a division chief in the state Department of Housing and Community Development . . . Former Reagan press aide **Rudy C. Garcia,** as assistant secretary for communications in the Health and Welfare Agency . . . **Richard Ray,** promoted from deputy to chief deputy director of the state Department of Consumer Affairs. He replaces **Frank Reynolds,** who resigned to join the Associated General Contractors of San Diego as director of legislative services . . . **Berger B. Benson** of San Mateo, to the state Fish and Game Commission, succeeding **C. Ransom Pearman** of San Gabriel . . . **Ross D. Eckert** and **James D. Reiter,** both of Los Angeles, to the state Transportation Board . . . **Jack R. Hamett** of Costa Mesa, to the California Aeronautics Board . . . **Pierre R. Loiseaux,** as dean of the law school at the University of California's Davis campus . . . **May N. Diaz,** professor of anthropology at U.C.-Berkeley, as provost of Krege College at U.C.-Santa Cruz. She will be the top-ranking woman in the nine-campus university system.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month only if a meeting is scheduled: Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Postsecondary Education Commission; Board of Education; Highway Commission; Little Hoover Commission; Park and Recreation Commission; University of California Board of Regents.

June 10	**Postsecondary Education Commission.** Host of Sacramento Hotel. 9 a.m.
June 10-14	**Board of Equalization.** 1020 N St., Room 102, Sacramento. 2 p.m.
June 12-13	**Air Resources Board.** Resources Building Auditorium, 1416 9th St., Sacramento. 9:30 a.m.
June 13-14	**Board of Education.** International Hotel, 6225 W. Century Blvd., Los Angeles. 9:30 a.m.
June 14	**Park and Recreation Commission.** Santa Cruz Public Library. 9:30 a.m. **University of California Regents.** University Extension Center, San Francisco.
June 19-20	**Board of Governors of California Community Colleges.** Edgewater Hyatt House, Long Beach. 9:30 a.m. **California Highway Commission.** Department of Transportation, 1120 N St., Sacramento. 9:30 a.m.
June 21	**Housing and Community Development Commission.** San Diego. (Site and hour to be set.)
June 27	**Council on Criminal Justice.** PSA Hyatt House, Los Angeles. 9:30 a.m.
June 27-29	**Law Revision Commission.** Los Angeles. 7 p.m.
June 28	**Veterans Board.** Fresno City Council Chambers, 2320 Fresno St. 1:30 p.m. **Fish and Game Commission.** Newport Beach City Hall. 9 a.m.
July 9-10	**State University and Colleges Trustees.** Chancellors' Office, 5670 Wilshire Blvd., Los Angeles.

The following boards and commissions follow a regular monthly schedule: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Coastal Commission, first and third Wednesdays; Consumer Advisory Council, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Resource Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays.

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Passage of an energy-control bill

A compromise energy-control bill supported by Governor Reagan was approved by the Legislature last month. The key vote on the measure, AB 1575 by Assemblyman Charles Warren, came May 14th when the Senate approved the legislation without a vote to spare, 21-14. Reagan last year vetoed an energy control bill sponsored by Warren, claiming that it had been railroaded through the Legislature without proper study. AB 1575 represents a compromise between the administration, private utilities and the Democratic leadership in the Legislature. The measure is based on a Rand Corporation report that estimated that California would need 120 new nuclear power plants by the year 2000 unless the state adopted a new method of conserving energy. Reagan signed the bill May 21st. Here are some of the measure's main provisions:

- A five-member Energy Resources Conservation and Development commission would be established to determine sites for nuclear power plants and help develop new sources of power.
- Taxes of about $16 million a year would be imposed on electricity users to pay for energy-related research.
- The commission, which will be appointed by the next governor, would be empowered to ban power-gobbling home appliances and set standards for the insulation of new structures.

Warren asserted that enactment of the bill would reduce the state's need for nuclear power plants from 120 to 35 because California's growth in energy consumption should be cut from 7.5 percent annually now to about 3 percent.

Revised budget

Also in mid-May, the state Department of Finance presented lawmakers with a revised version of the 1974-75 state budget. When the fiscal package was presented in January, state Finance Director Verne Orr conceded that the economic situation was so unstable that a realistic budget could not be produced until May. As it turned out, the oil shortage did not dampen the economy and thus pinch state funds, as had been feared. Instead, the prime factor has been inflation, which increased state revenues an estimated $188 million and boosted the anticipated expendable surplus from $105 million to $215 million. Orr emphasized that the state is also one of the victims of inflation, with health and welfare costs rising rapidly, especially the Medi-Cal program.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through May 19th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

SENATE (21 D, 18R)	SB 1739 SB 1746 AB 1163 AB 2558 AB 2600 AB 1575	SB 1812 SB 1859 AB 2038 SB 1765 AB 475 AB 2975		SB 1739 SB 1746 AB 1163 AB 2558 AB 2600 AB 1575	SB 1812 SB 1859 AB 2038 SB 1765 AB 475 AB 2975
Alquist (D)	YYYYYY	YYYYYY	Mills (D)	*YYYYY	YYYYYY
Ayala (D)	YYNYYN	NYYYYY	Moscone (D)	*YYYYN	YY*NYY
Behr (R)	YYYNY*	YYYYY*	Nejedly (R)	YYNNNY	*YYNY*
Beilenson (D)	NYYYYY	Y*YNYY	Petris (D)	*YYYYY	YY*NY*
Berryhill (R)	NYNNNN	NYNYNN	Richardson (R)	*NN*NN	N*N*NN
Biddle (R)	YNYYYN	NYYYYY	Robbins (D)	*Y*YYY	**YNYY
Bradley (R)	YNNN*N	NY*YNN	Roberti (D)	YY*YYY	YYYNYY
Carpenter (R)	NYNNYN	NYNYNN	Rodda (D)	YY*YYY	YYYNYY
Collier (D)	YYNYNY	NYNYY*	Schrade (R)	YYYNNN	NYNYYY
Cusanovich (R)	Y*NNNN	NYNYNN	Short (D)	YY****	**YNY*
Deukmejian (R)	NYNYYN	NNYYYY	Song (D)	YYYY*Y	YY*NYY
Dills (D)	YY*YYY	YYYNYY	Stevens (R)	NNNNYY	*YYYYY
Dymally (D)	*Y***Y	Y***YY	Stiern (D)	YN*YNN	*YYNYY
Gregorio (D)	Y*YYYY	YYYYYY	Stull (R)	NNNNNN	NY*YNN
Grunsky (R)	Y*YYYY	YYYYYY	Walsh (D)	******	*Y***Y
Harmer (R)	N***N*	**N***	Way (R)	NYNNYY	YNYYNY
Holmdahl (D)	YNNYYY	YNYNYY	Wedworth (D)	****NN	Y**YN*
Kennick (D)	YYYYYY	YYYYYY	Whetmore (R)	NNNNNN	**NYNN
Marks (R)	Y**Y*Y	YYYN*Y	Zenovich (D)	Y*YYYY	YY*YYY
Marler (R)	N*NNYY	NNNYYN			

Senate

BUSINESS

SB 1739 (Song) — Replaces one of three public members of the Contractors' License Board with a building trades union representative. Passed 21-10.

EDUCATION

SB 1746 (Alquist) — Allows students who have completed the 10th grade to be permanently exempted from required courses in physical education. Requires schools to offer elective PE courses in 11th and 12th grades. Passed 22-8.

AB 1163 (Murphy) — Authorizes community colleges to impose transportation fees on students and employees. Failed 13-15.

AB 2558 (Bee) — Permits school districts to set aside two days a year for teacher-parent-pupil conferences, and includes these days

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in computing average daily attendance. Passed 21-12.

AB 2600 (Vasconcellos) — Mandates a three-year drug-abuse-prevention pilot program in kindergarten through the 12th grade. Appropriates *$282,000*. Urgency clause refused adoption, 22-11 (27 votes required).

ENVIRONMENT

AB 1575 (Warren) — Establishes the state Energy Resources Conservation and Development Commission to regulate energy consumption and conservation, devise plans for dealing with fuel shortages and approve power plants. Passed 21-14.

LAW ENFORCEMENT

SB 1812 (Gregorio) — Grants female members of volunteer police departments the same workmen's compensation benefits as now apply to male members. Failed 19-12.

SB 1859 (Walsh) — Directs the California Highway Patrol to hire female officers. Passed 27-4.

AB 2038 (Knox) — Makes it a misdemeanor for a person to possess or sell a firearm that the individual knows has had identification marks removed or altered. Passed 21-9.

TAXATION

SB 1765 (Bradley) — Exempts from property taxation standing trees and timber within a resource-conservation district. Passed 22-13.

AB 475 (Brown) — Denies property-tax deductions for substandard rental housing. Passed 27-9.

TRANSPORTATION

AB 2975 (Fenton) — Prohibits operation of a farm-labor vehicle without a farm-labor driver's license from the Department of Motor Vehicles. Requires annual inspection of all farm-labor vehicles by the Highway Patrol. Urgency clause refused adoption, 24-8.

Assembly

CONSUMER AFFAIRS

SB 635 (Beilenson) — Requires blood banks to label containers either "volunteer donor" or "paid donor". Failed 38-25.

AB 3159 (Z'berg) — Prohibits sale of metal beverage containers with detachable lids or tabs after January 1, 1976. Passed 51-12.

ENVIRONMENT

AB 1575 (Warren) — (See description under Senate votes.) Assembly concurs in Senate amendments, 59-8.

EMPLOYMENT

AB 819 (Kapiloff) — Prohibits local government from requiring policemen and firemen to work overtime at less than time-and-a-half pay, except in emergencies. Assembly concurs in Senate amendments, 44-25.

AB 3215 (Burton) — Prohibits governmental agencies from requiring lie-detector tests as a condition of employment. Passed 49-18.

ACA 103 (Berman) — Proposed constitutional amendment prohibiting cities and counties from requiring employees to be residents of any city or county. Adopted 56-15.

ASSEMBLY (49 D, 31R)	SB 635	AB 3159	AB 1575	AB 819	AB 3215	ACA 103	AB 2992	AB 3284	AB 3301	SB 592	AB 2718
Alatorre (D)	Y	Y	*	Y	Y	Y	Y	Y	N	Y	Y
Antonovich (R)	N	*	*	N	N	Y	N	*	*	N	N
Arnett (R)	Y	Y	Y	N	*	N	Y	*	Y	N	*
Badham (R)	N	N	N	N	N	N	N	Y	N	Y	
Bagley (R)	*	*	*	*	*	*	Y	*	*	*	Y
Bannai (R)	N	N	Y	N	N	Y	Y	Y	N	Y	
Bee (D)	Y	N	*	*	Y	Y	Y	Y	Y	Y	
Berman (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
Beverly (R)	N	*	Y	*	Y	Y	N	Y	N	Y	
Boatwright (D)	Y	*	Y	Y	Y	Y	Y	*			
Bond (R)	N	*	Y	N	N	Y	Y	N	N		
Briggs (R)	N	Y	N	*		Y	N	N	N		
Brown (D)	*	Y	Y	Y	Y	N	Y	*	Y		
Burke (R)	N	N	N	N	N	N	N	Y	N		
Burton (D)	Y	Y	Y	Y	Y	Y	N	Y	Y		
Carter (R)	N	N	Y	Y	N	Y	Y	N	Y		
Chacon (D)	Y	Y	Y	Y	Y	Y	*	Y	Y		
Chappie (R)	N	*	*	*	*	Y	*	Y	*		
Cline (R)	Y	Y	N	N	N	Y	N	N	N		
Collier (R)	N	Y	N	N	N	N	N	Y	*		
Cory (D)	*	N	Y	Y	Y	Y	*	Y	Y		
Craven (R)	N	Y	N	*		Y	Y	*	Y		
Cullen (D)	*	N	Y	*	*	Y	Y	*	Y		
Davis (D)	Y	N	*	Y	N	Y	Y	Y	Y		
Deddeh (D)	*	Y	Y	Y	Y	Y	Y	Y	Y		
Dixon (D)	N	Y	*	Y	*	*	Y	*	*		
Duffy (R)	N	Y	N	Y	N	Y	Y	N	Y		
Dunlap (D)	Y	Y	Y	Y	Y	Y	N	Y	Y		
Fenton (D)	Y	Y	Y	Y	Y	Y	Y	*			
Fong (D)	*	Y	Y	Y	*	*	Y	*	*		
Foran (D)	Y	Y	Y	Y	Y	N	Y	N	Y		
Garcia (D)	Y	Y	*	Y	Y	*	Y	*	*		
Gonsalves (D)	*	*	Y	Y	*	*	Y	Y	*		
Gonzales (D)	Y	N	Y	Y	Y	Y	Y	Y	Y		
Greene, B. (D)	Y	*	*	Y	Y	N	Y	Y	Y		
Greene, L. (D)	Y	Y	Y	Y	N	*	Y	Y	N		
Hayden (R)	*	Y	Y	*	*	Y	Y	*	Y		
Holoman (D)	Y	Y	Y	Y	*	*	Y	*	*		
Ingalls (D)	Y	Y	Y	Y	*	Y	Y	*	Y		
Johnson, H. (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Johnson, R. (R)	*	Y	N	N	Y	N	Y	Y	Y	*	
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Karabian (D)	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
Keene (D)	Y	*	*	Y	Y	Y	Y	N	Y	Y	
Keysor (D)	Y	Y	Y	Y	Y	Y	Y	*	N		
Knox (D)	N	Y	Y	Y	Y	N	Y	*	*		
Lancaster (R)	N	N	N	N	N	N	Y	*	Y		
Lanterman (R)	N	N	Y	N	N	N	N	Y			
Lewis (R)	N	N	N	*		Y	Y	Y	*		
Lockyer (D)	Y	*	Y	*	*	Y	*	*	*		
MacDonald (D)	*	Y	Y	*	N	*	Y	Y	Y		
MacGillivray (R)	N	Y	*	N	*	*	Y	Y	N		
Maddy (R)	N	*	Y	N	Y	Y	Y	Y	*		
McAlister (D)	Y	Y	Y	Y	Y	Y	Y	N	Y		
McCarthy (D)	Y	Y	Y	*	Y	Y	Y	*	Y		
McLennan (R)	*	*	N	N	N	N	N	*	*		
Meade (D)	*	Y	Y	Y	Y	*	Y	Y	N		
Miller (D)	Y	Y	*	Y	Y	N	Y	Y	Y		
Mobley (R)	N	*	Y	N	Y	Y	Y	*	*		
Montoya (D)	Y	Y	Y	Y	Y	Y	Y	N	Y		
Moretti (D)	Y	*	Y	Y	Y	*	*	Y	Y		
Murphy (R)	*	*	Y	N	N	Y	Y	Y	N		
Nimmo (R)	N	Y	Y	N	N	Y	Y	Y	N		
Papan (D)	*	Y	Y	Y	Y	Y	Y	Y	Y		
Powers (D)	N	*	Y	Y	*	*	Y	Y	Y		
Priolo (R)	N	Y	Y	N	N	Y	N	N	*		
Quimby (D)	*	*	*	Y	Y	*	*	*	Y		
Ralph (D)	Y	Y	Y	Y	*	*	*	*	*		
Russell (R)	N	Y	*	N	N	*	N	N	N		
Seeley (R)	*	Y	N	*		N	N	Y	N		
Sieroty (D)	Y	Y	Y	*	*	Y	Y	N	*		
Thomas (D)	*	N	Y	Y	Y	*	*	Y	*		
Thurman (D)	Y	Y	Y	Y	N	Y	Y	N	Y		
Vasconcellos (D)	Y	Y	Y	Y	Y	N	*	*			
Wakefield (R)	N	N	*	N	N	*	N	N	N		
Warren (D)	Y	Y	Y	Y	N	Y	Y	N	*		
Waxman (D)	Y	*	Y	Y	Y	N	Y	Y	Y		
Wilson (D)	Y	Y	Y	Y	Y	N	Y	Y	Y		
Wood (R)	Y	Y	N	N		Y	*	Y	N		
Z'berg (D)	Y	Y	Y	Y	N	Y	Y	N	Y		

WELFARE

AB 2992 (Burton) — Requires the state to make refunds to relatives of aid-to-the-aged recipients for support contributed after October 1, 1971, if these amounts represented the state's share of aid. Passed 62-12.

AB 3284 (Foran) — Advances cost-of-living increases to recipients of aid to the blind, aged and disabled to January 1, 1975, instead of July 1, 1975. Passed 60-10.

MISCELLANEOUS

AB 3301 (Bannai) — Prohibits local restriction of the display of "for sale" signs for the purpose of advertising the sale of real property. Passed 44-19.

SB 592 (Dymally) — Permits party-contribution envelopes to be included in sample-ballot envelopes mailed to voters. Urgency clause refused adoption, 32-25.

AB 2718 (Alatorre) — Reorganizes the California Arts Commission. Passed 50-13.

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A WASHINGTON PERSPECTIVE...

By Lou Cannon

The big plus for McCloskey

The secret tape recording of White House conversations went out with the Watergate hearings, a belated rectitude that is likely to spare tender-eared future historians from encountering some unflattering descriptions of Gerald Ford. The vice president is now seen at the White House as the (expletive deleted) underminer of the President. He is referred to as the (barely audible) future president in the sanctity of the House cloakroom, where most of the Republicans have come to realize that the entire sorry Watergate episode will never be deleted from the political process as long as Richard Nixon remains President. As much as anything, it is this growing Republican perception of Ford as the true leader of his party in its time of troubles that has fueled the resentment of the Vice President at the White House.

Much of this resentment derives from Ford's insistence that the President should release additional information to the Watergate special prosecutor and to the House Judiciary Committee. Despite the Vice President's frequent statements that he believes Nixon innocent of impeachable offense, his equal insistence that the White House should comply with the committee's subpoenas undergirds the popular notion that Nixon is a devious man with much to be devious about.

But the resentment goes far beyond the transcripts. It partakes of envy at Ford's popularity but is more directly related to his insistence on independent scheduling and speech-making and upon his assumption of the political role that normally would be performed by a president. "No one is going to want Nixon to speak for him ever again," complained a Michigan Republican leader in the wake of the President's disastrous intervention in a special congressional election won by the Democratic candidate. "From now on, the man who everyone will want is Jerry Ford."

* * *

No one wanted Ford any more than Republican Paul N. (Pete) McCloskey of California, the embattled California congressman who challenged Nixon for the presidency in 1972 and who has already declared himself in favor of Nixon's impeachment. McCloskey is the congressman whom the White House would like most to retire, though this derives less from any leftover personal vendetta than from a desire to make an example of him within the party. The White House is well aware that Democratic leaders in the House are unwilling to push through an impeachment resolution on partisan lines. A McCloskey defeat in his own primary, therefore, would serve as a signal to other Republicans that they still face political penalties for opposing the President.

Ford, though confronted with this argument, couldn't have cared less. As minority leader in the House, Ford has always placed a high priority on broadening the base of the party, and he realistically believes that the GOP is too small a minority to be able to afford defections from either ideological wing. When most other Republicans were saying good riddance, Ford pleaded with Republican Don Riegle of Michigan to remain a Republican instead of switching to the Democratic Party. When McCloskey asked Ford to give a boost to his campaign by appearing at a discussion on the GOP's future in San Jose April 20th along with Republican John Rousselot of Pasadena and congressional candidate George Milias of Gilroy, the Vice President readily agreed.

Ford, under pressure from the state Republican Party, from prominent conservatives and from the White House, would not endorse McCloskey specifically. But he said he had no objections to McCloskey's better idea of making the appearance resemble an endorsement meeting. Some 60,000 invitations were sent out by the McCloskey reelection committee on a postcard mailer in which Ford's name appeared in the return-address space. Ford permitted scores of pictures with McCloskey, which are now the basis for an effective television commercial. And he said what McCloskey had hoped he would say, which is that "Pete contributes an input that is needed." "I urge you to embrace Republicans who are honest, diligent and hard working, whether they are on your side of the political spectrum or not," Ford continued. "The Republican Party needs this depth."

* * *

Ford's appearance came despite a last-minute appeal from Senator James Buckley, the New York Republican-Conservative who was addressing the nearby state Republican convention at the same time.

Human Events, the right-wing weekly that has been closely attuned to intra-party attitudes, reported this dialogue between David Keene, Buckley's top political aide, and Warren Rustand, who has charge of Ford's scheduling: Keene asked Rustand whether Ford had cleared the appearance for McCloskey with the state party chairman or state committee. No, said Rustand. Had it been cleared with Governor Reagan? No, he said. Did the Vice President know there was a primary? Yes, came the response. "You must understand," Rustand told Keene, "the Vice President is a very independent person."

The effect of Ford's appearance on McCloskey's behalf was devastating in the estimate both of McCloskey's managers and of those in charge of the campaign of his opponent, Gordon Knapp. "It really depressed them and it gave us a needed lift," said Ron Smith, the McCloskey campaign manager. "It reassured people who didn't know McCloskey that he's not a crazy, irresponsible person, or the Vice President wouldn't be supporting him. It turned everything around." Said Knapp's campaign manager, Harvey Hukari: "It was a big plus for McCloskey because it made him seem to be a genuine Republican." Polls taken soon after the Ford appearance showed that McCloskey soared far ahead. He slipped back in May, as some momentum was regained by Knapp, a mineral-water company president who relied on his own shoe leather plus a compendium of previous McCloskey statements on abortion, amnesty, the death penalty and marijuana. McCloskey relied on his incumbency, his volunteers, his maverick record — and upon Gerald Ford. His next-to-last mailer, sent to every Republican voter in the district, was a reprint of the Palo Alto *Times* account of the Ford visit with the headline: "Gerald Ford Boosts McCloskey Campaign." Whatever the outcome, McCloskey owed a heavy debt of gratitude to the "very independent person" who is now the odds-on choice to become the next President of the United States.

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